This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

NYPL RESEARCH LIBRARIES
3 3433 07024113 2

THE COLLECTION OF
Theodorus Bailey Myers
PRESENTED BY
HIS WIDOW
Catalina Juliana Mason Myers
HIS DAUGHTER
Cassie Mason Myers Julian-James
HIS DAUGHTER-IN-LAW
Edmonia Taylor Phelps Mason
TO THE
New York Public Library
ASTOR, LENOX AND TILDEN FOUNDATIONS
IN MEMORY OF
Theodorus Bailey Myers
AND HIS SON
Theodorus Bailey Myers Mason
LIEUTENANT-COMMANDER
UNITED STATES NAVY
1899

MANUAL,

COMPILED AND PREPARED

FOR THE USE OF THE

ASSEMBLY:

EXEMPLIFYING PARTICULARLY THE MODE OF PROCEEDING, CONFORMABLY TO THE NATIONAL AND STATE CONSTITUTIONS, AND THE RULES AND ORDERS OF THE HOUSE OF ASSEMBLY OF THE STATE OF NEW-YORK.

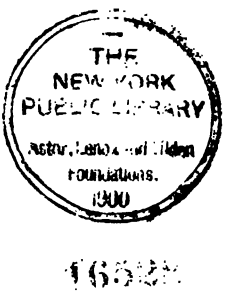
BY AARON CLARK, Esq.

[*Copy-Right Secured.*]

ALBANY:

PRINTED BY J. BUEL, PRINTER TO THE STATE.

1816.


THE
NEW YORK
PUBLIC LIBRARY
Astor, Lenox and Tilden
Foundations.
1900

TO

THE HONORABLE

THE ASSEMBLY

OF THE STATE OF NEW-YORK:

THIS ENDEAVOR,

To facilitate each Member of your honorable body in the *manner* of discharging his arduous duties,

Is most humbly inscribed,

by one who is,

with great respect,

and sincere devotion,

your very humble servant.

AARON CLARK.

TO THE PUBLIC.

THE Subscriber does not address you, from a wish to make the more pages to this little book, nor to gratify any vanity of appearing in a preface. He feels it a duty he owes to Mr. JEFFERSON, *publicly to acknowledge, that from his Manual much of the matter contained in the following pages has been extracted. By the constitution of the state of New-York, the Assembly is* "to proceed in doing business in like manner as the Assemblies of the colony of New-York of right formerly did." *The mode of doing business in the Assembly of the colony of New-York, was much like that of the House of Commons in England.*

The practice of the House of Representatives of the United States, and of the Assembly of this state, are much the same in most important particulars, and copy much from the forms of the British parliament. Hence, besides, noting the forms of business in common cases, it became peculiarly proper to mention numerous decisions of the parliament of England, in regard to more important branches of Legislation. In its present form, this work will prove useful to the Congressman, the Senator and others, as well as to the Assemblyman.

Many subjects intended to have formed a portion of this volume, are necessarily omitted. Some of those are the rules of the Court of Errors, the proceedings of the Council of Appointment, and Council of Revision, &c. &c.

These and other useful subjects will form the substance of another volume. This already contains about forty pages more than were contemplated to have been included in it.

The work is already so large, that the Index could not with propriety be more particular.

The work may be thought imperfect—defects it may have. It has been the misfortune of the compiler not to have time sufficient to submit the sheets to men of experience before they went to press. But it is believed that generosity will forgive the errors of this first effort. Exertions have not been wanting to render these pages truly useful and even interesting to Legislators. Should they think those exertions worthy their approbation, it will be gratifying to the AUTHOR.

Albany, Dec. 27, 1816.

INDEX.

	PAGE.
onfederation, articles of - - -	3
onstitution of the United States, - -	12
Amendments to - - -	26
ew-York, Constitution of - - -	33
Bill of Rights, - - -	57
ules and Orders of Assembly of New-York, -	60
ules of Senate of New-York, - -	64
EC. 1. Legislature, how composed - -	68
2. Organization of the Assembly, -	69
3. Importance of adhering to rules, - -	70
4. Privilege, - - - -	71
Act concerning, - - -	79
Act to prevent bribery, - -	81
5. Quorum, - - - -	82
6. Call of the House, - - - -	82
7. Absence, - - - -	83
8. Speaker, powers and duty, - -	83
9. Address, - - - -	85
10. Presentation of petitions, - -	87
11. Committees, - - -	88
12. Committee of the whole, - -	89
13. Examination of witnesses, - -	91
14. Arrangement of business, - -	92
15. Order, - - -	94
16. Order respecting papers, - -	94
17. Order in debate, - - -	94
18. Order of the House, - -	100
19. Petitions, - - - -	101
20. Motions, - - - - -	102
21. Resolutions, - - -	103
22. Bills, leave to bring in, - -	103
23. First reading, - -	104
24. Second reading, - -	104
25. Commitment, - -	105
26. Report of Committee, - -	110
27. Committee on bills from Senate, -	113

PAGE.

Sec. 28. Committee on Resolutions, - - 113
29. References to state officers, - - 113
30. Committee of selection, - - 114
31. Bill, re-commitment, - - - 114
32. Bill, report taken up, - - 115
33. Bills, second reading in the House, - 115
34. Reading papers, - - - 117
35. Priviledged questions, - - - 118
36. The previous question, - - - 125
37. Amendments, - - - 127
38. Division of the question, - - 131
39. Co-existing questions, - - 133
40. Equivalent questions, - - - 133
41. The question, - - - 135
42. Bills third reading, - - - 135
43. Division of the House, - - - 137
44. Reconsideration, - - - 143
45. Bills from the other House, - - 145
46. Amendments between the Houses, - 145
47. Conferences, - - - 148
48. Messages, - - - - 151
49. Assent, - - - - 153
50. Journals, - - - 155
51. Adjournment, - - - 157
52. A session, - - - - 158
53. Impeachment, - - - 160
Counties and towns, alphabetical list of - 167
Apportionment of Senators, - - - 178
Do. Assembly, - - - 179
Rules of Senate of United States, - - 182
Rules and Orders of the House of Representatives of United States, - - - - 189

U. States.

ARTICLES OF CONFEDERATION,

AND

PERPETUAL UNION,

Between the States of *New-Hampshire, Massachusetts-Bay*; *Rhode-Island* and *Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina*, and *Georgia.*

Proposed by the Congress of the United States, on the 17th November, 1777, and approved by this State, by law passed February 6, 1778.

Article I.

THE style of this confederacy shall be, "THE UNITED STATES OF AMERICA."

Art. II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

Art. III. The said States hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Art. IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this union, the free inhabitants of each of these States (paupers, vagabonds and fugitives from justice excepted) shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions, as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any State to

any other state, of which the owner is an inhabitant: *Provided also*, That no imposition, duties or restriction, shall be laid by any State on the property of the United States, or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor, in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the Governor, or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the courts and magistrates of every other State.

ART. V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the Legislature of each State shall direct, to meet in Congress on the first *Monday* in *November*, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emoluments of any kind.

Each state shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech, and debate in Congress, shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ART. VI. No State, without the consent of the United

States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person, holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any King, Prince or State, in pursuance of any treaties already proposed by Congress to the courts of *France* and *Spain*.

No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State: but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide, and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of *Indians* to invade such State, and the danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters

of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the Kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such States be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ART. VII. When land forces are raised by any State, for the common defence, all officers of or under the rank of Colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct; and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII. All charges of war and all other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land, and the buildings and improvements thereon, shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States in Congress assembled.

ART. IX. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, *provided*, that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or im-

portation of any species of goods or commodities whatsoever —of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures: *Provided*, that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more States, concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be excercised in the manner following:—Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall in the presence of Congress be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without shewing reasons which Congress shall judge sufficient, or being present shall refuse to strike,

the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: *Provided*, That every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward;" *Provided also*, That no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands and the States which passed such grants, are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States—regulating the trade and managing all affairs with the *Indians*, not members of any of the States: *Provided*, that the legislative right of any State within its own limits be not infringed or violated—establishing and regulating post-offices from one State to another throughout the United States,

and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office—appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "*A Committee of the States*," and to consist of one delegate from each State; and to appoint such other committees and civil officers, as may be necessary, for managing the general affairs of the United States under their direction—to appoint one of their number to preside, *provided* that no person be allowed to serve in the office of President, more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money, or emit bills on the credit of the United States, transmitting every half year to the respective States, an account of the sums of money so borrowed or emitted—to build and equip a Navy—to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisitions shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm and equip them in a soldier-like manner, at the expense of the United States; and the officers and men, so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped, in the same

manner as the quota of such State, unless the legislature of such State shall judge, that such extra number cannot be safely spared out of the same; in which case, they shall raise, officer, clothe, arm and equip, as many of such extra number, as they judge can be safely spared; and the officers and men, so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal, in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a Commander in Chief of the Army or Navy, unless nine States assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to Treaties, Alliances or Military Operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the Journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ART. X. The Committee of the States, or any nine of them, shall be authorised to execute, in the recess of Congress, such of the powers of Congress as the United States

in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with; *provided* that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ART. XI. Canada acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other Colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. XII. All Bills of Credit emitted, Monies borrowed and Debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States; for payment and satisfaction whereof, the said United States, and the public faith, are hereby solemnly pledged.

ART. XIII. Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

These Articles shall be proposed to the Legislatures of all the United States, to be considered, and if approved by them, they are advised to authorise their Delegates to ratify the same in the Congress of the United States; which being done, the same shall become conclusive.

By Order of Congress,

HENRY LAURENS, PRESIDENT.

THE

CONSTITUTION

OF THE

United States of America,

WITH THE

AMENDMENTS THERETO.

CONSTITUTION.

WE, the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, DO ORDAIN AND ESTABLISH this CONSTITUTION for the UNITED STATES OF AMERICA.

ARTICLE I.

SEC. 1. ALL Legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SEC. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall

be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode-Island and Providence Plantations, one; Connecticut, five; New-York, six; New-Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North-Carolina, five; South-Carolina, five; and Georgia, three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Sec. 3. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally a may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of

the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The Senate shall have the sole power to try all impeachments When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof: But the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum, to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and

from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question, shall at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been encreased during such time, and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the President of the United States: If he approve he shall sign it; but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it. If, after such re-consideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be re-considered, and, if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall

be determined by yeas and nays; and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water:

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions:

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office thereof.

SEC. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *expost facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in

proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: Nor shall vessels, bound to or from one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present emolument, office, or title of any kind whatever, from any king, prince or foreign state.

SEC. 10 No state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and controul of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in a war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SEC. 1. The executive power hall be vested in a president of the United States of America. He shall hold his

office during the term of four years, and together with the vice-president, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately chuse by ballot one of them for president; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot, the vice-president.

The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SEC. 2. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officers in each of the executive departments, upon any subject relating to the duties of the respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present, concur: and he shall nominate, and by and with the advice and consent of the Senate, shall

appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the union, and recommend to their consideration, such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SEC. 4. The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SEC. 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States and the treaties made, or which shall be

made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on the confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SEC. 1. Full faith and credit shall be given in each state, to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

SEC. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations, respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SEC. 4. The United States shall guarantee to every state in this union, a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the

one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of

America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President, and deputy from Virginia.*

NEW-HAMPSHIRE.
John Langdon,
Nicholas Gilman.

MASSACHUSETTS.
Nathaniel Gorham,
Rufus King.

CONNECTICUT.
William Samuel Johnson,
Roger Sherman.

NEW-YORK.
Alexander Hamilton.

NEW-JERSEY.
William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

DELAWARE.
George Reed,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.
James M'Henry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

VIRGINIA.
John Blair,
James Madison jun.

NORTH-CAROLINA.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH-CAROLINA.
John Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Buttler.

GEORGIA.
William Few,
Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary*.

IN CONVENTION,

Monday, September 17th, 1787.

PRESENT,

The States of NEW-HAMPSHIRE, MASSACHUSETTS, CONNECTICUT, Mr. HAMILTON from NEW-YORK, NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH-CAROLINA, SOUTH-CAROLINA, and GEORGIA:

RESOLVED,

THAT the preceding constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention, that it should afterwards be submitted to a convention of delegates chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this convention, that as soon as the conventions of nine states shall have ratified this constitution, the United States in Congress assembled, should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this constitution. That after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the constitution requires, to the Secretary of the United States, in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this constitution.

By the unanimous order of the convention,

GEORGE WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

IN CONVENTION,

September 17th, 1787.

SIR,

WE have now the honor to submit to the consideration of the United States in Congress assembled, that constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace, and treaties; that of levying money. and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the union: but the impropriety of delegating such extensive trust to one body of men, is evident; hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion, this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensible.

That it will meet the full and entire approbation of every state, is *not*, perhaps, to be expected; but each will

doubtless consider, that had her interest alone been consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants.

GEORGE WASHINGTON, *President.*

By unanimous order of the convention.

His excellency the President of Congress.

THE UNITED STATES,

IN CONGRESS ASSEMBLED,

Friday, Sept. 28th, 1787.

Present.....New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia; and from Maryland, Mr. Ross.

Congress having received the report of the convention lately assembled in Philadelphia;

Resolved unanimously,

THAT the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to submit to a convention of delegates, chosen in each state by the people thereof, in conformity to the resolves of the convention, made and provided in that case.

CHARLES THOMPSON, *Secretary.*

AMENDMENTS.

ARTICLE I.

CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be sub

doubtless consider, that had her interest alone been consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants.

GEORGE WASHINGTON, *President.*

By unanimous order of the convention.

His excellency the President of Congress.

THE UNITED STATES,

IN CONGRESS ASSEMBLED,

Friday, Sept. 28th, 1787.

Present.....New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia; and from Maryland, Mr. Ross.

Congress having received the report of the convention lately assembled in Philadelphia;

Resolved unanimously,

THAT the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to submit to a convention of delegates, chosen in each state by the people thereof, in conformity to the resolves of the convention, made and provided in that case.

CHARLES THOMPSON, *Secretary.*

AMENDMENTS.

ARTICLE I.

CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be sub

ject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be constructed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective states, and vote by ballot, for President and Vice-President, one of whom at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states,

and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President.

THE

CONSTITUTION

OF THE

STATE OF NEW-YORK.

In Convention of the Representatives of the State of New-York.

KINGSTON, 20th April, 1777.

WHEREAS the many tyrannical and oppressive usurpations of the king and parliament of Great-Britain, on the rights and liberties of the people of the American colonies, had reduced them to the necessity of introducing a government by congresses and committees, as temporary expedients, and to exist no longer than the grievances of the people should remain without redress.

AND WHEREAS the congress of the colony of New-York, did, on the thirty-first day of May, now last past, resolve as follows, viz.

"WHEREAS the present government of this colony, by congress and committees, was instituted while the former government, under the crown of Great-Britain, existed in full force;—and was established for the sole purpose of opposing the usurpation of the British parliament, and was intended to expire on a reconciliation with Great-Britain, which it was then apprehended would soon take place, but is now considered as remote and uncertain.

"AND WHEREAS many and great inconveniences attend the said mode of government by congress and committees, as of necessity, in many instances, legislative, judicial and executive powers have been vested therein, especially since the dissolution of the former government, by the abdication of the late governor, and the exclusion of this colony from the protection of the king of Great-Britain.

"AND WHEREAS the continental congress did resolve as followeth, to wit:

"WHEREAS his Britannic majesty, in conjunction with

"the lords and commons of Great-Britain, has, by a late "act of parliament, excluded the inhabitants of these united "colonies from the protection of his crown. And whereas, "no answers whatever, to the humble petition of the colo- "nies for redress of grievances and reconciliation with "Great-Britain, has been, or is likely to be given, but the "whole force of that kingdom, aided by foreign mercena- "ries, is to be exerted for the destruction of the good peo- "ple of these colonies. And whereas it appears absolute- "ly irreconcileable to reason and good conscience, for the "people of these colonies, now to take the oaths and affir- "mations necessary for the support of any government un- "der the crown of Great-Britain, and it is necessary that "the exercise of every kind of authority under the said "crown, should be totally suppressed, and all the powers "of government exerted under the authority of the people "of the colonies, for the preservation of internal peace, "virtue and good order, as well as for the defence of our "lives, liberties, and properties, against the hostile inva- "sions and cruel depredations of our enemies:

Therefore,

"RESOLVED, That it be recommended to the respec- "tive assemblies and conventions of the united colonies, "where no government sufficient to the exigencies of their "affairs has been hitherto established, to adopt such gov- "ernment as shall, in the opinion of the representatives of "the people, best conduce to the happiness and safety of "their constituents in particular, and America in gen- "eral."

"AND WHEREAS doubts have arisen, whether this congress are invested with sufficient power and authority to deliberate and determine on so important a subject as the necessity of erecting and constituting a new form of government and internal police, to the exclusion of all foreign jurisdiction, dominion and control whatever. And whereas it appertains of right solely to the people of this colony to determine the said doubts: Therefore,

"RESOLVED, That it be recommended to the electors in the several counties in this colony, by election in the manner and form prescribed for the election of the present

congress, either to authorise (in addition to the powers vested in this congress) their present deputies, or others in the stead of their present deputies, or either of them, to take into consideration the necessity and propriety of instituting such new government as in and by the said resolution of the continental congress is described and recommended: And if the majority of the counties, by their deputies in provincial congress, shall be of opinion that such new government ought to be instituted and established, then to institute and establish such a government as they shall deem best calculated to secure the rights, liberties, and happiness of the good people of this colony: and to continue in force until a future peace with Great-Britain shall render the same unnecessary. And,

"RESOLVED. That the said elections in the several counties, ought to be had on such day, and at such place or places, as by the committee of each county respectively shall be determined. And it is recommended to the said committees, to fix such early days for the said elections, as that all the deputies to be elected have sufficient time to repair to the city of New-York by the second Monday in July next: on which day all the said deputies ought punctually to give their attendance.

"AND WHEREAS the object of the aforegoing resolutions is of the utmost importance to the good people of this colony;

"RESOLVED, That it be, and it is hereby earnestly recommended to the committees, freeholders and other electors in the different counties in this colony, diligently to carry the same into execution."

AND WHEREAS the good people of the said colony, in pursuance of the said resolution, and reposing special trust and confidence in the members of this convention, have appointed, authorised and empowered them for the purposes, and in the manner, and with the powers in and by the said resolve specified, declared and mentioned.

AND WHEREAS the delegates of the United American States, in general congress convened, did on the fourth day of July now last past, solemnly publish and declare, in the words following, viz.

"WHEN in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness: That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed: That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate, that governments long established should not be changed for light and transient causes, and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former system of government. The history of the present king of Great-Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world

"He has refused his assent to laws, the most wholsome and necessary for the public good.

"He has forbidden his governors to pass laws of imme-

diate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

" He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

" He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

" He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

" He has refused for a long time, after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise; the state remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

" He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

" He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

" He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

" He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

" He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

" He has affected to render the military independent of, and superior to, the civil power.

" He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legis-

" For quartering large bodies of troops among us:

" For protecting them, by a mock trial, from punishment for any murders they should commit on the inhabitants of these states:

" For cutting off our trade with all parts of the world:

" For imposing taxes on us without our consent:

" For depriving us in many cases, of the benefits of trial by jury:

" For transporting us beyond seas, to be tried for pretended offences:

" For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

" For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

" For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

" He has abdicated government here, by declaring us out of his protection, and waging war against us.

" He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

" He is, at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

" He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

" He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

" In every stage of these oppressions, we have petitioned

for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

"Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connection and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must therefore acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war; in peace, friends.

"We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these united colonies are, and of right ought to be, *FREE AND INDEPENDENT STATES*; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great-Britain, is, and ought to be totally dissolved; and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor."

AND WHEREAS this convention having taken this declaration into their most serious consideration, did on the ninth day of July last past, unanimously resolve, That the reasons assigned by the continental congress, for declaring the united colonies free and independent states, are cogent and

conclusive: And that while we lament the cruel necessity which has rendered that measure unavoidable, we approve the same, and will at the risk of our lives and fortunes, join with the other colonies in supporting it.

By virtue of which several acts, declarations and proceedings, mentioned and contained in the afore-recited resolves or resolutions of the general congress of the United American States, and of the congresses or conventions of this state, all power whatever therein hath reverted to the people thereof, and this convention hath by their suffrages and free choice been appointed, and among other things authorised to institute and establish such a government as they shall deem best calculated to secure the rights and liberties of the good people of this state, most conducive of the happiness and safety of their constituents in particular, and of America in general:

I. This convention, therefore, in the name and by the authority of the good people of this state, DOTH ORDAIN, DETERMINE AND DECLARE, That no authority shall, on any pretence whatever, be exercised over the people, or members of this state, but such as shall be derived from and granted by them.

II. This convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That the supreme legislative power within this state, shall be vested in two separate and distinct bodies of men; the one to be called, the Assembly of the state of New-York; the other to be called, the Senate of the state of New-York: who together shall form the Legislature, and meet once at least in every year for the dispatch of business.

III. AND WHEREAS laws inconsistent with the spirit of this constitution, or with the public good, may be hastily and unadvisedly passed: BE IT ORDAINED, That the governor for the time being, the chancellor and the judges of the supreme court, or any two of them, together with the governor, shall be, and hereby are, constituted a council to revise all bills about to be passed into laws by the legislature. And for that purpose shall assemble themselves, from time to time, when the legislature shall be convened;

for which, nevertheless, they shall not receive any salary or consideration under any pretence whatever. And that all bills which have passed the Senate and Assembly, shall, before they become laws, be presented to the said council for their revisal and consideration; and if upon such revison and consideration, it should appear improper to the said council, or a majority of them, that the said bill should become a law of this state, that they return the same, together with their objections thereto in writing, to the senate or house of assembly, in whichsoever the same shall have originated, who shall enter the objections sent down by the council, at large, in their minutes, and proceed to re-consider the said bill. But if after such re-consideration, two thirds of the said senate, or house of assembly, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two thirds of the members present, shall be a law.

And in order to prevent any unnecessary delays,

Be it further ordained, That if any bill shall not be returned by the council, within ten days after it shall have been presented, the same shall be a law, unless the legislature shall, by their adjournment, render a return of the said bill within ten days impracticable; in which case the bill shall be returned on the first day of the meeting of the legislature, after the expiration of the said ten days.

IV. That the assembly shall consist of at least seventy members, to be annually chosen in the several counties, in the proportions following, viz.

For the City and County of New-York,	Nine
The City and County of Albany,	Ten
The County of Dutchess,	Seven.
The County of Westchester,	Six.
The County of Ulster,	Six.
The County of Suffolk,	Five.
The County of Queens,	Four.
The County of Orange,	Four.
The County of Kings,	Two.
The County of Richmond,	Two.

* The County of Tryon,	Six
† The County of Charlotte,	Four.
‡ The County of Cumberland,	Three.
‡ The County of Gloucester,	Two.

V. That as soon after the expiration of seven years, subsequent to the termination of the present war, as may be, a census of the electors and inhabitants in this state be taken, under the direction of the legislature. And if on such census it shall appear, that the number of representatives in assembly from the said counties is not justly proportioned to the number of electors in the said counties respectively, that the legislature do adjust and apportion the same by that rule. And further, that once in every seven years, after the taking of the said first census, a just account of the electors resident in each county shall be taken; and if it shall thereupon appear that the number of electors in any county, shall have increased or diminished one or more seventieth parts of the whole number of electors, which on the said first census shall be found in this state, the number of representatives for such county shall be increased or diminished accordingly, that is to say, one representative for every seventieth part as aforesaid.

VI. *And whereas* an opinion hath long prevailed among divers of the good people of this state, that voting at elections by ballot, would tend more to preserve the liberty and equal freedom of the people, than voting *viva voce*: To the end therefore, that a fair experiment be made, which of those two methods of voting is to be preferred:

Be it ordained, That as soon as may be, after the termination of the present war, between the United States of America and Great-Britain, an act or acts be passed by the legislature of this state, for causing all elections thereafter to be held in this state for senators and representatives in assembly, to be by ballot, and directing the manner in which the same shall be conducted. *And whereas* it is possible, that after all the care of the legislature, in framing the said act or acts, certain inconveniences and mis-

* Name afterwards altered to *Montgomery*.—† Name afterwards altered to *Washington*.—‡ Ceded to Vermont.—*Editors of Revised Laws.*

chiefs, unforeseen at this day, may be found to attend the said mode of electing by ballot:

It is further ordained, That if after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the state, than the method of voting *viva voce*, it shall be lawful and constitutional for the legislature to abolish the same; *Provided* two thirds of the members present in each house respectively shall concur therein. And further, that during the continuance of the present war, and until the legislature of this state shall provide for the election of senators, and representatives in assembly, by ballot, the said elections shall be made *viva voce*.

VII. That every male inhabitant of full age, who shall have personally resided within one of the counties of this state, for six months immediately preceding the day of election, shall at such election, be entitled to vote for representatives of the said county in assembly; if during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds, within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this state: *Provided always*, That every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities respectively, shall be entitled to vote for representatives in assembly within his said place of residence.

VIII. That every elector, before he is admitted to vote, shall if required by the returning officer or either of the inspectors, take an oath, or if of the people called quakers, an affirmation, of allegiance to the state.

IX. That the assembly thus constituted, shall choose their own speaker, be judges of their own members, and enjoy the same privileges, and proceed in doing business, in like manner as the assemblies of the colony of New-York of right formerly did; and that a majority of the said members shall, from time to time, constitute a house to proceed upon business.

X. And this convention doth further, in the name, and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That the senate of the state of New-York, shall consist of twenty-four freeholders, to be chosen out of the body of the freeholders, and that they be chosen by the freeholders of this state, possessed of freeholds of the value of one hundred pounds, over and above all debts charged thereon.

XI. That the members of the senate be elected for four years, and immediately after the first election, they be divided by lot into four classes, six in each class, and numbered, one, two, three, and four; and that the seats of the members of the first class shall be vacated at the expiration of the first year, the second class the second year, and so on continually, to the end that the fourth part of the senate, as nearly as possible, may be annually chosen.

XII. That the election of senators shall be after this manner; that so much of this state as is now parcelled into counties, be divided into four great districts; the Southern district to comprehend the city and county of New-York, Suffolk, Westchester, Kings, Queens, and Richmond counties; the Middle district to comprehend the counties of Dutchess, Ulster and Orange; the Western district the city and county of Albany, and Tryon county; and the Eastern district, the counties of Charlotte, Cumberland and Gloucester. That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, to wit: In the Southern district, nine; in the Middle district, six; in the Western district, six; and in the Eastern district, three. *And be it ordained*, That a census shall be taken as soon as may be, after the expiration of seven years from the termination of the present war, under the direction of the legislature: And if on such census it shall appear, that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion as near as may be, to the number of freeholders qualified as aforesaid, in each district. That when the number of electors within any of the said districts shall have increased one twenty-fourth part of the whole number of electors, which

by the said census shall be found to be in this state, an additional senator shall be chosen by the electors of such district. That a majority of the number of senators to be chosen as aforesaid, shall be necessary to constitute a senate, sufficient to proceed upon business, and that the senate shall, in like manner with the assembly, be the judges of its own members. *And be it ordained*, That it shall be in the power of the future legislatures of this state, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts, as shall to them appear necessary.

XIII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That no member of this state shall be disfranchised or deprived of any of the rights or privileges secured to the subjects of this state, by this constitution, unless by the law of the land, or the judgment of his peers.

XIV. That neither the assembly or the senate shall have power to adjourn themselves for any longer time than two days, without the mutual consent of both.

XV. That whenever the assembly and senate disagree, a conference shall be held in the presence of both, and be managed by committees to be by them respectively chosen by ballot. That the doors both of the senate and assembly, shall at all times be kept open to all persons, except when the welfare of the state shall require their debates to be kept secret. And the journals of all their proceedings shall be kept in the manner heretofore accustomed by the general assembly of the colony of New-York, and except such parts as they shall as aforesaid respectively determine not to make public, be from day to day (if the business of the legislature will permit) published.

XVI. It is nevertheless provided, That the number of senators shall never exceed one hundred, nor the number of the assembly three hundred; but that whenever the number of senators shall amount to one hundred, or of the assembly to three hundred, then and in such case the legislature shall from time to time hereafter, by laws for that purpose, apportion and distribute the said one hundred senators, and

X. And this convention doth further, in the name, and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That the senate of the state of New-York, shall consist of twenty-four freeholders, to be chosen out of the body of the freeholders, and that they be chosen by the freeholders of this state, possessed of freeholds of the value of one hundred pounds, over and above all debts charged thereon.

XI. That the members of the senate be elected for four years, and immediately after the first election, they be divided by lot into four classes, six in each class, and numbered, one, two, three, and four; and that the seats of the members of the first class shall be vacated at the expiration of the first year, the second class the second year, and so on continually, to the end that the fourth part of the senate, as nearly as possible, may be annually chosen.

XII. That the election of senators shall be after this manner; that so much of this state as is now parcelled into counties, be divided into four great districts; the Southern district to comprehend the city and county of New-York, Suffolk, Westchester, Kings, Queens, and Richmond counties; the Middle district to comprehend the counties of Dutchess, Ulster and Orange; the Western district the city and county of Albany, and Tryon county; and the Eastern district, the counties of Charlotte, Cumberland and Gloucester. That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, to wit: In the Southern district, nine; in the Middle district, six; in the Western district, six; and in the Eastern district, three. *And be it ordained*, That a census shall be taken as soon as may be, after the expiration of seven years from the termination of the present war, under the direction of the legislature: And if on such census it shall appear, that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion as near as may be, to the number of freeholders qualified as aforesaid, in each district. That when the number of electors within any of the said districts shall have increased one twenty-fourth part of the whole number of electors, which

by the said census shall be found to be in this state, an additional senator shall be chosen by the electors of such district. That a majority of the number of senators to be chosen as aforesaid, shall be necessary to constitute a senate, sufficient to proceed upon business, and that the senate shall, in like manner with the assembly, be the judges of its own members. *And be it ordained*, That it shall be in the power of the future legislatures of this state, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts, as shall to them appear necessary.

XIII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That no member of this state shall be disfranchised or deprived of any of the rights or privileges secured to the subjects of this state, by this constitution, unless by the law of the land, or the judgment of his peers.

XIV. That neither the assembly or the senate shall have power to adjourn themselves for any longer time than two days, without the mutual consent of both.

XV. That whenever the assembly and senate disagree, a conference shall be held in the presence of both, and be managed by committees to be by them respectively chosen by ballot. That the doors both of the senate and assembly, shall at all times be kept open to all persons, except when the welfare of the state shall require their debates to be kept secret. And the journals of all their proceedings shall be kept in the manner heretofore accustomed by the general assembly of the colony of New-York, and except such parts as they shall as aforesaid respectively determine not to make public, be from day to day (if the business of the legislature will permit) published.

XVI. It is nevertheless provided, That the number of senators shall never exceed one hundred, nor the number of the assembly three hundred; but that whenever the number of senators shall amount to one hundred, or of the assembly to three hundred, then and in such case the legislature shall from time to time hereafter, by laws for that purpose, apportion and distribute the said one hundred senators, and

three hundred representatives, among the great districts and counties of this state, in proportion to the number of their respective electors, so that the representation of the good people of this state, both in the senate and assembly, shall forever remain proportionate and adequate.

XVII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE, AND DECLARE, that the supreme executive power, and authority of this state, shall be vested in a governor; and that statedly once in every three years, and as often as the seat of government shall become vacant, a wise and discreet freeholder of this state shall be by ballot elected governor, by the freeholders of this state, qualified as before described to elect senators; which elections shall be always held at the times and places of choosing representatives in assembly for each respective county; and that the person who hath the greatest number of votes within the said state shall be the governor thereof.

XVIII. That the governor shall continue in office three years, and shall by virtue of his office, be general and commander in chief of all the militia, and admiral of the navy of this state; that he shall have power to convene the assembly and senate on extraordinary occasions, to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year; and at his discretion to grant reprieves and pardons to persons convicted of crimes, other than treason or murder, in which he may suspend the execution of the sentence, until it shall be reported to the legislature at their subsequent meeting; and they shall either pardon or direct the execution of the criminal, or grant a further reprieve.

XIX. That it shall be the duty of the governor to inform the legislature at every session, of the condition of the state, so far as may respect his department; to recommend such matters to their consideration as shall appear to him to concern its good government, welfare and prosperity; to correspond with the continental congress, and other states; to transact all necessary business with the officers of government, civil and military; to take care that the laws are faithfully executed to the best of his ability; and

to expedite all such measures as may be resolved upon by the legislature.

XX. That a lieutenant-governor shall, at every election of a governor, and as often as the lieutenant-governor shall die, resign, or be removed from office, be elected in the same manner with the governor, to continue in office until the next election of a governor; and such lieutenant-governor shall, by virtue of his office, be president of the senate, and, upon an equal division, have a casting vote in their decisions, but not vote on any other occasion.

And in case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the state, the lieutenant-governor shall exercise all the power and authority, appertaining to the office of governor, until another be chosen, or the governor absent or impeached, shall return or be acquitted: *Provided*, That where the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of a military force thereof, he shall still continue in his command of all the military force of this state, both by sea and land.

XXI. That whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as president of the senate, the senators shall have power to elect one of their own members to the office of president of the senate, which he shall exercise *pro hac vice*; And if during such vacancy of the office of governor, the lieutenant-governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall, in like manner as the lieutenant-governor, administer the government, until others shall be elected by the suffrage of the pepple at the succeeding election.

XXII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE, AND DECLARE, That the treasurer of this state shall be appointed by act of the legislature, to originate with the assembly: *Provided*, That he shall not be elected out of either branch of the legislature.

XXIII. That all officers, other than those who by this constitution are directed to be otherwise appointed, shall be appointed in the manner following, to wit: The assembly

shall, once in every year, openly nominate and appoint one of the senators from each great district, which senators shall form a council for the appointment of the said officers, of which the governor for the time being, or the lieutenant-governor, or the president of the senate, when they shall respectively administer the government, shall be president, and have a casting voice, but no other vote; and with the advice and consent of the said council shall appoint all the said officers; and that a majority of the said council be a quorum; *And further*, the said senators shall not be eligible to the said council for two years successively.

XXIV. That all military officers be appointed during pleasure; that all commissioned officers, civil and military, be commissioned by the governor, and that the chancellor, the judges of the supreme court and first judge of the county court in every county, hold their offices during good behaviour, or until they shall have respectively attained the age of sixty years.

XXV. That the chancellor and judges of the supreme court shall not at the same time hold any other office, excepting that of delegate to the general congress, upon special occasions; and that the first judges of the county courts in the several counties, shall not at the same time hold any other office excepting that of senator, or delegate to the general congress; but if the chancellor, or either of the said judges be elected or appointed to any other office, excepting as is before excepted, it shall be at his option in which to serve.

XXVI. That sheriffs and coroners be annually appointed; and that no person shall be capable of holding either of the said offices more than four years successively, nor the sheriff of holding any other office at the same time.

XXVII. *And be it further ordained*, That the register and clerks in chancery be appointed by the chancellor; the clerks of the supreme court by the judges of the said court; the clerk of the court of probates, by the judge of the said court; and the register and marshal of the court of admiralty, by the judge of the admiralty. The said marshal, registers and clerks to continue in office during the pleasure of those by whom they are to be appointed, as aforesaid.

And all attornies, solicitors and counsellors at law, hereafter to be appointed, be appointed by the court, and licensed by the first judge of the court in which they shall respectively plead or practice; and be regulated by the rules and orders of the said courts.

XXVIII. *And be it further ordained*, That where by this constitution the duration of any office shall not be ascertained, such office shall be construed to be held during the pleasure of the council of appointment: *Provided*, that new commisions shall be issued to judges of the county courts (other than to the first judge) and to justices of the peace, once at the least in every three years.

XXIX. That town clerks, supervisors, assessors, constables and collectors, and all other officers heretofore eligible by the people, shall always continue to be so eligible, in the manner directed by the present or future acts of legislature.

That loan officers, county treasurers, and clerks of the supervisors, continue to be appointed in the manner directed by the present or future acts of the legislature.

XXX. That delegates to represent this state in the general congress of the United States of America, be annually appointed as follows, to wit: The senate and assembly shall each openly nominate as many persons as shall be equal to the whole number of delegates to be appointed; after which nomination, they shall meet together, and those persons named in both lists shall be delegates; and out of those persons whose names are not on both lists, one half shall be chosen by the joint ballot of the senators and members of assembly, so met together as aforesaid.

XXXI. That the style of all laws shall be as follows, to wit: *Be it enacted by the people of the state of New-York, represented in senate and assembly.* And that all writs and other proceedings shall run in the name of, *The people of the state of New-York*, and be tested in the name of the chancellor or chief judge of the court from whence they shall issue.

XXXII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That a court shall be

instituted for the trial of impeachments, and the correction of errors, under the regulations which shall be established by the legislature; and to consist of the president of the senate for the time being, and the senators, chancellor, and judges of the supreme court, or the major part of them; except that when an impeachment shall be prosecuted against the chancellor, or either of the judges of the supreme court, the person so impeached shall be suspended from exercising his office, until his acquittal: And in like manner, when an appeal from a decree in equity shall be heard, the chancellor shall inform the court of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined shall be brought up by writ of error on a question of law, on a judgment in the supreme court, the judges of the court shall assign the reasons of such their judgment, but shall not have a voice for its affirmance or reversal.

XXXIII. That the power of impeaching all officers of the state, for mal and corrupt conduct in their respective offices, be vested in the representatives of the people in assembly; but that it shall always be necessary that two third-parts of the members present shall consent to and agree in such impeachment. That previous to the trial of every impeachment, the members of the said court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence; and that no judgment of the said court shall be valid, unless it shall be assented to by two third-parts of the members then present; nor shall it extend farther than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this state. But the party so convicted, shall be, nevertheless, liable and subject to indictment, trial, judgment and punishment, according to the laws of the land.

XXXIV. *And it is further ordained*, That in every trial on impeachment or indictment for crimes or misdemeanors, the party impeached or indicted, shall be allowed counsel, as in civil actions.

XXXV. And this convention doth further, in the name and by the authority of the good people of this state, or-

DAIN, DETERMINE AND DECLARE, That such parts of the common law of England, and of the statute law of England and Great-Britain, and of the acts of the legislature of the colony of New-York, as together did form the law of the said colony on the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy five, shall be and continue the law of this state; subject to such alterations and provisions as the legislature of this state shall, from time to time, make concerning the same. That such of the said acts as are temporary, shall expire at the times limited for their duration respectively. That all such parts of the said common law, and all such of the said statutes, and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of christians or their ministers, or concern the allegiance heretofore yielded to, and the supremacy, sovereignty, government or prerogatives, claimed or exercised by the King of Great-Britain and his predecessors, over the colony of New-York and its inhabitants, or are repugnant to this constitution, be, and they hereby are abrogated and rejected. And this convention doth further ordain, that the resolves or resolutions of the congresses of the colony of New-York, and of the convention of the state of New-York, now in force, and not repugnant to the government established by this constitution, shall be considered as making part of the laws of this state; subject, nevertheless, to such alterations and provisions, as the legislature of this state may from time to time make, concerning the same.

XXXVI. *And be it further ordained*, That all grants of land within this state, made by the king of Great-Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void: But that nothing in this constitution contained shall be construed to affect any grants of land within this state, made by the authority of the said king or his predecessors, or to annul any charters to bodies politic, by him or them, or any of them, made prior to that day. And that none of the said charters shall be adjudged to be void by reason of any non-user, or mis-user of any of their respective rights or privileges, between the nine-

teenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, and the publication of this constitution. *And further*, That all such of the officers described in the said charters respectively, as by the terms of the said charters, were to be appointed by the governor of the colony of New-York, with or without the advice and consent of the council of the said king, in the said colony, shall henceforth be appointed by the council established by this constitution, for the appointment of officers in this state, until otherwise directed by the legislature.

XXXVII. *And whereas* it is of great importance to the safety of this state, that peace and amity with the Indians within the same, be at all times supported and maintained. AND WHEREAS the frauds too often practiced towards the said Indians, in contracts made for their lands, have in divers instances been productive of dangerous discontents and animosities; BE IT ORDAINED, That no purchases or contracts for the sale of lands, made since the fourteenth day of October, in the year of our Lord, one thousand seven hundred and seventy-five, or which may hereafter be made with or of the said Indians, within the limits of this state, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent of the legislature of this state.

XXXVIII. *And whereas* we are required by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance, wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind: This convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this state to all mankind: *Provided*, That the liberty of conscience hereby granted, shall not be so construed, as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

XXXIX. *And whereas* the ministers of the gospel are, by *their* profession, dedicated to the service of God and the

cure of souls, and ought not to be diverted from the great duties of their function; therefore no minister of the gospel, or priest of any denomination whatsoever, shall at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding any civil or military office or place within this state.

XL. *And whereas* is is of the utmost importance to the safety of every state, that it should always be in a condition of defence; and it is the duty of every man who enjoys the protection of society, to be prepared and willing to defend it: This convention therefore, in the name and by the authority of the good people of this state, doth ORDAIN, DETERMINE AND DECLARE, That the militia of this state, at all times hereafter, as well in peace as in war, shall be armed and disciplined, and in readiness for service. That all such of the inhabitants of this state, being of the people called Quakers, as from scruples of conscience may be averse to the bearing of arms, be therefrom excused by the legislature; and do pay to the state such sums of money in lieu of their personal service, as the same may, in the judgment of the legislature, be worth: And that a proper magazine of warlike stores, proportionate to the number of inhabitants, be forever hereafter, at the expense of this state, and by acts of the legislature, established, maintained, and continued in every county in this state.

XLI. And this convention doth further ORDAIN, DETERMINE AND DECLARE, in the name and by the authority of the good people of this state, That trial by jury, in all cases in which it hath heretofore been used in the colony of New-York, shall be established, and remain inviolate forever. And that no acts of attainder shall be passed by the legislature of this state, for crimes other than those committed before the termination of the present war; and that such acts shall not work a corruption of blood. And further, that the legislature of this state shall at no time hereafter, institute any new court or courts, but such as shall proceed according to the course of the common law.

XLII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That it shall be in the

discretion of the legislature to naturalize all such persons, and in such manner as they shall think proper; provided all such of the persons so to be by them naturalized, as being born in parts beyond sea, and out of the United States of America, shall come to settle in, and become subjects of this state, shall take an oath of allegiance to this state, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate and state, in all matters ecclesiastical as well as civil.

By order,

LEONARD GANSEVOORT,
PRESID. P. T.

AMENDMENTS.

In Convention of the Delegates of the State of New-York.

ALBANY, October 27, 1801.

WHEREAS the legislature of this state, by their act passed the sixth day of April last, did propose to the citizens of this state to elect by ballot delegates to meet in convention, "for the purpose of considering the parts of the "constitution of this state respecting the number of senators and members of Assembly in this state, and with "power to reduce and limit the number of them as the said "convention might deem proper: and also for the purpose "of considering and determining the true construction of "the twenty-third article of the constitution of this state, "relative to the right of nomination to office."

And whereas the people of this state have elected the members of this convention for the purpose above expressed; and this convention having maturely considered the subject thus submitted to their determination, do, in the name and by the authority of the people of this state, ORDAIN, DETERMINE AND DECLARE:

I. That the number of the members of the assembly

hereafter to be elected shall be one hundred, and shall never exceed one hundred and fifty.

II. That the legislature at their next session shall apportion the said one hundred members of the assembly among the several counties of this state, as nearly as may be, according to the number of electors which shall be found to be in each county by the census directed to be taken in the present year.

III. That from the first Monday in July next, the number of the senators shall be permanently thirty-two, and that the present number of senators shall be reduced to thirty-two in the following manner, that is to say:—The seats of the eleven senators composing the first class, whose time of service will expire on the first Monday in July next, shall not be filled up: and out of the second class the seats of one senator from the middle district and of one senator from the southern district shall be vacated by the senators of those districts belonging to that class casting lots among themselves; out of the third class, the seats of two senators from the middle district, and of one senator from the eastern district, shall be vacated in the same manner; out of the fourth class, the seats of one senator from the middle district, of one senator from the eastern district, and of one senator from the western district, shall be vacated in the same manner; and if any of the said classes shall neglect to cast lots, the senate shall in such case proceed to cast lots for such class or classes so neglecting. And that eight senators shall be chosen at the next election in such districts as the legislature shall direct, for the purpose of apportioning the whole number of senators amongst the four great districts of this state, as nearly as may be, according to the number of electors qualified to vote for senators, which shall be found to be in each of the said districts by the census above mentioned; which eight senators so to be chosen shall form the first class.

IV. That from the first Monday in July next, and on the return of every census thereafter, the number of the assembly shall be increased at the rate of two members for every year, until the whole number shall amount to one hundred and fifty; and that upon the return of every such

census, the legislature shall apportion the senators and members of the assembly amongst the great districts and counties of this state, as nearly as may be, according to the number of their respective electors; *Provided*, That the legislature shall not be prohibited by any thing herein contained, from allowing one member of assembly to each county, heretofore erected within this state.

V. And this convention do further, in the name and by the authority of the people of this state, ORDAIN, DETERMINE AND DECLARE, That by the true construction of the twenty-third article of the constitution of this state, the right to nominate all officers other than those who by the constitution are directed to be otherwise appointed, is vested concurrently in the person administering the government of this state for the time being and in each of the members of the council of appointment.

By order,

A. BURR, Prest.
of the Convention, and Delegate
from Orange county.

Attest,

JAMES VAN INGEN, }
JOSEPH CONSTANT, } Secretaries.

BILL OF RIGHTS.

An ACT *concerning the Rights of the Citizens of this State.—R. Laws, p.* 47, 48.

Passed 26th January, 1787.

[Vide "The Charter of liberties and privileges granted by his "royal highness to the inhabitants of New-York and its de- "pendencies"—passed in General Assembly, October 30, 1683, (being the *first* Legislature ever held in the Colony of New-York) and also the "act declaring what are the rights "and privileges of their majesties' subjects inhabiting within their province of New-York"—passed April, 1691. Vide Bradford's edition of 1710, page 1.]

J. & V. v. 2. 1.—Gr. v. 1. 289.—K. & R. v. 1. 47.]

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted and declared by the authority of the same; First, That no authority shall, on any pretence whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state.

Second, That no citizen of this state shall be taken or imprisoned, or be disseised of his or her freehold, or liberties, or free customs; or outlawed, or exiled, or condemned, or otherwise destroyed, but by lawful judgment of his or her peers, or by due process of law.

Third, That no citizen of this state shall be taken or imprisoned, for any offence, upon petition or suggestion, unless it be by indictment or presentment of good and lawful men of the same neighborhood where such deeds be done, in due manner, or by due process of law.

Fourth, That no person shall be put to answer without presentment before justices, or matter of record, or due process of law, according to the law of the land; and if any thing be done to the contrary, it shall be void in law, and holden for error.

Fifth, That no person, of what state or condition soever, shall be taken or imprisoned, or disinherited, or put to

death, without being brought to answer by due process of law; and that no person shall be put out of his or her franchise or freehold, or lose his or her life or limb, or goods and chattels, unless he or she be duly brought to answer, and be fore judged of the same, by due course of law; and if any thing be done contrary to the same, it shall be void in law and holden for none.

Sixth, That neither justice nor right shall be sold to any person, nor denied, nor deferred; and that writs and process shall be granted freely and without delay, to all persons requiring the same; and nothing from henceforth shall be paid or taken for any writ or process, but the accustomed fees for writing, and for the seal of the same writ or process; and all fines, duties and impositions whatsoever, heretofore taken or demanded, under what name or description soever, for or upon granting any writs, inquests, commissions or process to suitors in their causes, shall be, and are hereby abolished.

Seventh, That no citizen of this state shall be fined or amerced without reasonable cause, and such fine or amercement shall always be according to the quantity of his or her trespass or offence, and saving to him or her his or her contenement; That is to say, Every freeholder saving his freehold, a merchant saving his merchandize, and a mechanic saving the implements of his trade.

Eighth, That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Ninth, That all elections shall be free: and that no person, by force of arms, nor by malice or menacing, or otherwise, presume to disturb or hinder any citizen of this state to make free election, upon pain of fine and imprisonment, and treble damages to the party grieved.

Tenth, That it is the right of the citizens of this state to petition the person administering the government of this state for the time being, or either house of the legislature; and all commitments and prosecutions for such petitioning, are illegal.

Eleventh, That the freedom of speech and debates, and proceedings in the senate and assembly, shall not be im-

peached or questioned in any court or place out of the senate or assembly.

Twelfth, That no tax, duty, aid or imposition whatsoever, shall be taken or levied within this state, without the grant and assent of the people of this state by their representatives in senate and assembly; and that no citizen of this state shall be by any means, compelled to contribute to any gift, loan, tax, or other like charge, not set, laid or imposed by the legislature of this state: *And further*, That no citizen of this state shall be constrained to arm himself, or to go out of this state, or to find soldiers, or men of arms either horsemen or footmen, if it be not by assent and grant of the people of this state, by their representatives in senate and assembly.

Thirteenth, That by the laws and customs of this state, the citizens and inhabitants thereof cannot be compelled against their wills, to receive soldiers into their houses, and to sojourn them there; and therefore, no officer, military or civil, nor any other person whatsoever, shall, from henceforth, presume to place, quarter, or billet any soldier or soldiers, upon any citizen or inhabitant of this state, of any degree or profession whatever, without his or her consent; and that it shall and may be lawful for every such citizen and inhabitant, to refuse to sojourn or quarter any soldier or soldiers, notwithstanding any command, order, warrant, or billetting whatever.

RULES AND ORDERS

OF THE

ASSEMBLY

OF THE

STATE OF NEW-YORK.

1. UPON the *appearance of a quorum* the Speaker shall take the chair, and the members shall be called to order.

2. Immediately after the Speaker shall have taken the chair, the *minutes of the p eeding day* shall be read by the Clerk, to the end, that any mistakes therein may be corrected by the House.

3. The *Speaker shall preserve order and decorum*, and shall decide questions of order, subject to an appeal to the House.

4. The *Speaker shall not vote in any case*, unless the House shall be equally divided.

5. When the *House adjourns*, the members shall keep their seats until the Speaker leaves the chair.

6. Every *member*, previous to his *speaking*, shall *rise from his seat*, and address himself to the Speaker.

7. When *two* or more members *rise at once*, the Speaker shall name the member who is first to speak.

8. No member shall *speak more than twice* to the same question, without leave of the House; nor more than once, until every member choosing to speak shall have spoken.

9. No *motion* shall be debated or put, unless the same be seconded; when a motion is seconded, it shall be stated by the Speaker before debate, and every such motion shall be reduced to writing, if the Speaker or any member desire it.

10. After *a motion is stated* by the Speaker, it shall be deemed to be in possession of the House; but may be withdrawn at any time before decision or amendment.

11. When a *question is under debate*, no motion shall be received, unless to amend it, to commit it, to postpone it to a day certain, for the previous question, or to adjourn.

12. A *motion to adjourn* shall be always in order, and shall be decided without debate.

13. The *previous question*, until it is decided, shall preclude all amendment and debate of the main question, and shall be in this form—*shall the main question be now put?*

14. No member shall speak more than once, without leave, upon a previous question.

15. A *motion for commitment*, until it is decided, shall preclude all amendment of the main question.

16. *Every order, resolution, and vote*, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid upon the table, on a day preceding that in which the same be moved, unless the House shall otherwise allow.

17. Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker; or by a member in his place.

18. Every member who shall be present when a question is stated from the chair, and no other, shall vote for or against the same, unless the House shall excuse him, or unless he be immediately interested in the question, in which case he shall not vote.

19. While the Speaker is putting a question, no member shall walk out of, or across the house, nor when a member is speaking, shall any member entertain any private discourse, or pass between him and the chair.

20. A member called to order, shall immediately sit down, unless permitted to explain; and the House, if appealed to, shall decide on the case, but without debate; if there be no appeal, the decision of the chair shall be submitted to.

21. Every bill shall be introduced by motion for leave, or by an order of the House on the report of a committee, and one day's notice at least shall be given of a motion to

bring in a bill, unless the House unanimously allow the same to be brought in without such previous notice.

22. Every bill shall receive three several readings, previous to its being passed: and the second and third reading shall be on different days, and the third reading shall be on a day subsequent to that in which it has passed a committee of the whole House, unless the House unanimously direct otherwise.

23. No bill shall be committed or *amended*, until it has been twice read.

24 In forming a committee *of the whole House*, the Speaker shall leave the chair, and a chairman shall be appointed to preside

25. Bills committed *to* a *committee of the whole House*, shall be first read through by the Clerk, and then read and debated by clauses, leaving the preamble to be last considered: All amendments shall be entered on a separate piece of paper, and so reported to the House by the chairman, standing in his place; after the report, the bill shall be subject to debate and amendment before the question to engross it be taken.

26. *All questions*, whether in committee or in the House, shall be put in the order they were moved: except that in filling up blanks, the largest sum and longest time shall be first put.

27. A similar mode of proceeding shall be observed with bills which have originated in, and have passed the Senate, as with bills originating in the House.

28. *When a bill passes the House*, the Speaker shall certify the same, with the date thereof, at the foot of the bill.

29. *Upon a division*, either in the House, or in committee of the whole House, the names of those who vote for, and those who vote against the question, shall be entered upon the minutes, if any two members require it.

30. *In all divisions* to be taken in this House, it shall be the duty of the Clerk to enter on the minutes the name of the member calling for a division, and the name of the member who shall second such call.

31. *The order of the day* shall have the preference to any motion before the House.

32. *A motion* that the chairman leave the chair, shall always be in order, and shall take place of any other motion.

33. In the *absence of a quorum*, the Speaker may adjourn the House until the next sitting day; or if in committee of the whole, the committee may rise and report progress.

34. *No motion for re-consideration* shall be in order, unless on the same day or day following that on which the decision proposed to be re-considered took place, nor unless one of the majority shall move such re-consideration. A motion for re-consideration being put and lost, shall not be renewed, nor shall any subject be a second time re-considered without unanimous consent.

35. *The rules of the House* shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking.

36. *Select committees*, to whom reference shall be made, shall in all cases report a state of facts, and also their opinions thereon to the House.

37. That in all cases where a bill, orders, resolutions or motion, shall be entered on the journals of this House, the name of the member moving the same, shall also be entered on the journals.

38. *No person*, unless introduced by a member, *shall be admitted within the bar of the Assembly Chamber*, but members and officers of the Senate and Council of Revision, the heads of departments of the state government, former members and officers of the House, and such other persons as the Speaker shall, on application, assign places for, as stenographers.

39. Every message from the Honorable the Senate communicating any bill, for the concurrence of this House, shall, after the second reading of the said bill, be referred to a select committee, with the accompanying documents (if any) to consider and report thereon.

40. The Speaker shall cause the Clerk of this House to make a list of all bills, resolutions, reports of committees,

and other proceedings in this House, which are committed to a committee of the whole House, and which are not made the order of the day, for any particular day, which list shall be called "the general orders of the day."

41. On the meeting of the House, after the reading of the journal, the presentation of petitions shall be first in order, and it shall be the duty of the Speaker to call for the same.

42. When the House have proceeded to "the general orders of the day," no other business shall be in order until the House have disposed of the same, by laying them upon the table, or by postponing them until the next day.

RULES

OF THE SENATE OF THE STATE OF NEW-YORK.

1. THE President shall take the chair every day at the hour to which the Senate shall have adjourned the preceding day, and upon the appearance of a quorum shall call to order.

2. Immediately after the President shall have taken the chair, the journal of the preceding day shall be read, to the end, that any mistakes therein may be corrected.

3. The President shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Senate.

4. Every member, previous to his speaking, shall rise in his place, and address himself to the President.

5. When two or more members rise at once, the President shall name the member who is first to speak.

6. No member shall speak more than twice to the same question without leave of the Senate, nor more than once, until every member choosing to speak, shall have spoken.

7. No motion shall be debated or put, unless the same be seconded; when a motion is seconded, it shall be stated *by the President* before debate, and every such motion

shall be reduced to writing, if the President or any member request it.

8. After a motion is stated, by the President, it shall be deemed to be in possession of the Senate, but may be withdrawn at any time before decision or amendment.

9. When a question is under debate, no motion shall be received, unless to amend it, to commit it, to postpone it to a day certain, for the previous question, or to adjourn.

10. That every question shall be determined by a majority of voices, and after the determination, the same shall not be reassumed, but with the consent of two thirds of the members present, at some subsequent day of the session, and that, upon notice given of the motion for reassuming such matter, at least one day before such motion be made.

11. That no motion shall be determined on the day that it is agitated, if one third of the members shall request that it be deferred to the next day.

12. A motion to adjourn shall always be in order, and shall be decided without debate.

13. The previous question, until it is decided, shall preclude amendments and debate on the main question, and shall be in this form, "*shall the main question be now put?*"

14. No member shall speak more than once upon a previous question.

15. A motion for commitment, until it is decided, shall preclude all amendments of the main question.

16. Petitions, memorials, and other papers addressed to the Legislature, shall be presented to the President, by a member in his place.

17. Every Senator who shall be present when a question is put, shall vote for or against the same, unless the Senate excuse him, or unless he be immediately interested in the question, in which case he shall not vote.

18. When the President is putting a question, no Senator shall walk out, or across the House, nor when a Senator is speaking, pass between him and the chair.

19. A Senator called to order, shall immediately sit down, and the Senate, if applied to, shall decide on the case, but without debate; if there be no appeal, the decision of the chair shall be conclusive.

20. Every bill shall be introduced by motion for leave, or by an order of the Senate, on the report of a committee.

21. Every bill shall receive three several readings previous to its being passed, and on different days, unless the Senate unanimously direct otherwise.

22. No bill shall be amended or committed until it shall have been twice read.

23. In forming a committee of the whole Senate, the President shall leave the chair, and a chairman shall be named by the President to preside.

24. All questions, whether in the Senate or in committee of the whole, shall be put in the order they were moved, except in cases of amendment, and except that in filling up blanks the largest sum and longest time shall be first put.

25. A similar mode of proceeding shall be observed with bills, which have originated in and passed the Hon. the Assembly, as with bills originated in the Senate.

26. The rules of the Senate shall be observed in the committee of the whole, so far as they may be applicable, except the rule limiting the times of speaking.

27. Upon a division either in the Senate, or in a committee of the whole, the names of those who vote for and against the question, shall be entered alphabetically on the minutes, if two members require it.

28. A motion that the committee rise, shall always be in order, and shall be decided without debate.

29. That no member shall absent himself from the Senate without leave of absence on motion.

30. That every member of the Senate shall keep secret all such matters, proceedings and things as shall be enjoined from the chair, by order of the Senate, to be kept secret.

31. No person is to be admitted within the bar of the Senate except his Excellency the Governor, the Chancellor, the present and former Judges of the Supreme Court, the present and former members of Congress, the present and former members of the Legislature, the gentlemen of the Clergy, the Comptroller, the Treasurer, the Secretary, the Attorney-General, the Surveyor-General, the Gov-

ernor's Secretary, and the officers of both Houses of the Legislature.

32. The President shall appoint all ordinary committees, who shall consist of three members, unless a greater or less number shall be directed by the Senate.

THE LEGISLATURE,

SECTION 1.

HOW COMPOSED.

Extracts from the Constitution of the State of New-York.

I. This convention, therefore, in the name and by the authority of the good people of this state, DOTH ORDAIN, DETERMINE AND DECLARE, That no authority shall, on any pretence whatever, be exercised over the people, or members of this state, but such as shall be derived from and granted by them.

II. This convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That the supreme legislative power within this state, shall be vested in two separate and distinct bodies of men; the one to be called, the Assembly of the state of New-York; the other to be called, the Senate of the state of New-York: who together shall form the Legislature, and meet once at least in every year for the dispatch of business.

IV. That the assembly shall consist of at least seventy members, to be annually chosen in the several counties, in the proportions following, viz.

For the City and County of New-York,	Nine
The City and County of Albany,	Ten
The County of Dutchess,	Seven.
The County of Westchester,	Six.
The County of Ulster,	Six.
The County of Suffolk,	Five.
The County of Queens,	Four.
The County of Orange,	Four.
The County of Kings,	Two.
The County of Richmond,	Two.
The County of Tryon,	Six
The County of Charlotte,	Four.
The County of Cumberland,	Three.
The County of Gloucester,	Two.

VI. *And whereas* an opinion hath long prevailed among divers of the good people of this state, that voting at elections by ballot, would tend more to preserve the liberty and equal freedom of the people, than voting *viva voce*: To the end therefore, that a fair experiment be made, which of those two methods of voting is to be preferred:

Be it ordained, That as soon as may be, after the termination of the present war, between the United States of America and Great-Britain, an act or acts be passed by the legislature of this state, for causing all elections thereafter to be held in this state for senators and representatives in assembly, to be by ballot, and directing the manner in which the same shall be conducted. *And whereas* it is possible, that after all the care of the legislature, in framing the said act or acts, certain inconveniences and mischiefs, unforeseen at this day, may be found to attend the said mode of electing by ballot:

It is further ordained, That if after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the state, than the method of voting *viva voce*, it shall be lawful and constitutional for the legislature to abolish the same; *Provided* two thirds of the members present in each house respectively shall concur therein. And further, that during the continuance of the present war, and until the legislature of this state shall provide for the election of senators, and representatives in assembly, by ballot, the said elections shall be made *viva voce*.

SECTION 2.

ORGANIZATION OF THE ASSEMBLY.

Oaths the Members take and Subscribe.

1. "I, do solemnly, without any mental reservation or equivocation, swear and declare, (or affirm, as the case may require) that I renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and that I will bear faith

and true allegiance to the state of New-York, as a free and independent state."—1. *Rev. Laws, p.* 383-

2. "I, do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States."

3. "I, do solemnly swear (or affirm, as the case may be) that I have not been engaged in a duel by sending or accepting a challenge to fight a duel, or by fighting a duel, or in any other manner in violation of the act entitled "an act to suppress duelling," since the first day of July, in the year of our Lord one thousand eight hundred and sixteen; nor will I be concerned, directly or indirectly, in any duel during the continuance of the said act, and while an inhabitant of this state."—*Ses. Laws of* 1816 —*Extra Session, Nov.* 5, 1816.

The members present being thus qualified, and being a majority of those elected or allowed to be elected, they proceed to choose by ballot a Speaker—and to choose a Clerk, a Sergeant at Arms, and Door-Keeper; then is the House considered as *organized*, sufficiently to proceed upon business.

SECTION 3.

THE IMPORTANCE OF ADHERING TO RULES.

MR. ONSLOW, the ablest among the Speakers of the House of Commons, used to say, "it was a maxim he had "often heard, when he was a young man, from old and ex- "perienced members, that nothing tended more to throw "power into the hands of administration and those who "acted with the majority of the House of Commons, than "a neglect of, or departure from, the rules of proceeding: "that these forms, as instituted by our ancestors, operated "as a check and controul on the actions of the majority, "and that they were in many instances, a shelter and protec- "tion to the minority, against the attempts of power." So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on

the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding which have been adopted as they were found necessary from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.—2 *Hats.* 171, 172.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is: that there may be an uniformity of proceeding in business, not subject to the caprice of the Speaker, or captiousness of the members. It is very material that order, decency and regularity, be preserved in a dignified public body.—2 *Hats.* 149.

And in 1698 the Lords say, "the reasonableness of what is desired is never considered by us, for we are bound to consider nothing but what is usual. Matters of form are essential to government, and 'tis of consequence to be in the right. All the reason for forms is custom, and the law of forms is practice; and reason is quite out of doors. Some particular customs may not be grounded on reason, and no good account can be given of them; and yet many nations are zealous for them; and Englishmen are as zealous as any others to pursue their old forms and methods."—4 *Hats.* 258.

SECTION 4.

PRIVILEGE.

THE privileges of the members of Parliament, from small and obscure beginnings, have been advancing for centuries, with a firm and never yielding pace. Claims seem to have been brought forward from time to time, and repeated, till some example of their admission enable them to build law on that example. We can only therefore take

the point of progression at which they now are. It is now acknowledged, 1. That they are at all times exempted from question elsewhere for any thing said in their own house; that during the time of privilege, 2. Neither a member himself,* his wife, or his servants, (familiares sui) for any matter of their own, may be arrested,† on mesne process, in any civil suit: 3. Nor be detained under execution, though levied before time of privilege: 4. Nor impleaded, cited, or subpœnaed in any court: 5. Nor summoned as a witness or juror: 6. Nor may their lands or goods be distrained: 7. Nor their persons assaulted, or characters traduced. And the period of time covered by privilege, before and after the session, with the practice of short prorogations under the connivance of the crown, amounts in fact to a perpetual protection against the course of justice. In one instance, indeed, it has been relaxed by the 10. G. 3. c. 50, which permits judiciary proceedings to go on against them. That these privileges must be continually progressive, seems to result from their rejecting all definition of them; the doctrine being that "their dignity and independence are preserved by keeping their privileges indefinite;" and that the "maxims upon which they proceed, together with the method of proceeding, rest entirely in their own breast, and are not defined and ascertained by any particular stated laws."—1. *Blackst.* 163. 164.

It was probably from this view of the encroaching character of privilege, that the framers of our constitution, in their care to provide that the laws shall bind equally on all, and especially that those who make them shall not exempt themselves from their operation, have only privileged "Senators and Representatives" themselves from the single act of "arrest in all cases, except treason, felony and breach of the peace, during their attendance at the session of their respective Houses, and in going to and returning from the same, and from being questioned in any other place for any speech or debate in either House" *Const. U. S. Art.* 1. *Sec.* 6. Under the general authority "to

* Ord. of the H. of Com. 1663. July 16.
† Elsynge 217. 1. Hats. 21. Grey's deb. 135.

make all laws necessary and proper for carrying into execution the powers given them," *Const. U. S. Art.* 2. *Sec.* 8. they may provide by law the details which may be necessary for giving full effect to the enjoyment of this privilege. No such law being as yet made, it seems to stand at present on the following ground: 1. The act of arrest is void ab initio.* 2. The member arrested may be discharged on motion. 1. *Bl.* 166. 2. *Stra.* 990, or by Habeas Corpus under the federal or state authority, as the case may be; or by a writ of privilege out of the Chancery, 2 *Stra.* 989, in those states which have adopted that part of the laws of England. *Orders of the H. of Commons.* 1550. *February* 20. 3. The arrest, being unlawful, is a trespass, for which the officer and others concerned are liable to action or indictment in the ordinary courts of justice, as in other cases of unauthorised arrest. 4. The court before which the process is returnable, is bound to act as in other cases of unauthorised proceeding, and liable also, as in other similar cases, to have their proceedings staid or corrected by the superior courts.

The time necessary for going to and returning from Congress, not being defined, it will of course be judged of in every particular case by those who will have to decide the case.

While privilege was understood in England to extend, as it does here, only to exemption from arrest eundo, morando, et redeundo, the House of Commons themselves decided that "a convenient time was to be understood." (1580.) 1. *Hats.* 99, 100. Nor is the law so strict in point of time as to require the party to set out immediately on his return, but allows him time to settle his private affairs and to prepare for his journey; and does not even scan his road very nicely, nor forfeit his protection for a little deviation from that which is most direct; some necessity, perhaps, constraining him to it. 2. *Stra.* 986, 987.

This privilege from arrest, privileges of course against all process, the disobedience to which is punishable by an attachment of the person; as a subpœna ad respondendum,

* 2. Stra. 989.

or testificandum, or a summons on a jury: and with reason; because a member has superior duties to perform in another place.

When a representative is withdrawn from his seat by summons, the 30,000 people whom he represents lose their voice in debate, and vote as they do on his voluntary absence: when a senator is withdrawn by summons, his state loses half its voice in debate and vote, as it does on his voluntary absence. The enormous disparity of evil admits no comparison.

So far, there will probably be no difference of opinion as to the privileges of the two Houses of Congress: but in the following cases it is otherwise. In December 1795, the H. of R committed two persons of the name of Randall and Whitney, for attempting to corrupt the integrity of certain members, which they considered as a contempt and breach of the privileges of the House: and the facts being proved, Whitney was detained in confinement a fortnight, and Randall three weeks, and was reprimanded by the Speaker. In March 1796, the H. of R. voted a challenge given to a member of their House to be a breach of the privileges of the House; but satisfactory apologies and acknowledgements being made, no further proceeding was had. The editor of the Aurora having, in his paper of February 19, 1800, inserted some paragraphs defamatory of the Senate of the United States, and failed in his appearance, he was ordered to be committed. In debating the legality of this order, it was insisted, in support of it, that every man, by the law of nature, and every body of men, possesses the right of self defence; that all public functionaries are essentially invested with the powers of self-preservation; that they have an inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided to them; that whenever authorities are given, the means of carrying them into execution are given by necessary implication; that thus we see the British parliament exercise the right of punishing contempts; all the state legistatures exercise the same power; and every court does the same; that if we have it not, we sit at the mercy of every intruder, who may enter our doors or

gallery, and, by noise, and tumult, render proceeding in business impracticable; that if our tranquility is to be perpetually disturbed by newspaper defamation, it will not be possible to exercise our functions with the requisite coolness and deliberation; and that we must therefore have a power to punish these disturbers of our peace and proceedings. To this it was answered, that the Parliament and courts of England have cognizance of contempts by the express provisions of their law; that the state legislatures have equal authority, because their powers are plenary; they represent their constituents completely, and possess all their powers, except such as their constitutions have expressly denied them; that the courts of the several states have the same powers by the laws of their states, and those of the federal government by the same state laws, adopted in each state by a law of Congress; that none of these bodies therefore derive those powers from natural or necessary right, but from express law; that Congress have no such natural or necessary power, nor any powers but such as are given them by the constitution; that that has given them directly exemption from personal arrest, exemption from question elsewhere for what is said in their House, and power over their own members and proceedings; for these, no further law is necessary, the constitution being the law; that moreover, by that article of the constitution which authorises them "to make all laws necessary and proper for carrying into execution the powers vested by the constitution in them," they may provide by law for an undisturbed exercise of their functions, e. g. for the punishment of contempts, of affrays or tumult in their presence, &c. but, till the law be made, it does not exist; and does not exist, from their own neglect; that in the mean time, however, they are not unprotected, the ordinary magistrates and courts of law being open and competent to punish all unjustifiable disturbances or defamations, and even their own sergeant, who may appoint deputies ad libitum to aid him, 3 *Grey.* 59. 147. 255. is equal to small disturbances; that in requiring a previous law, the constitution had regard to the inviolability of the citizen as well as of the member; as, should one House, in the rec-

ular form of a bill, aim at too broad privileges, it may be checked by the other, and both by the President; and also, as, the law being promulgated, the citizen will know how to avoid offence. But if one branch may assume its own privileges without controul, if it may do it on the spur of the occasion, conceal the law in its own breast, and, after the fact committed, make its sentence both the law and the judgment on that fact; if the offence is to be kept undefined, and to be declared only ex re nata, and according to the passions of the moment, and there be no limitation either in the manner or measure of the punishment, the condition of the citizen will be perilous indeed. Which of these doctrines is to prevail, time will decide. Where there is no fixed law, the judgment on any particular case is the law of that single case only, and dies with it. When a new and even a similar case arises, the judgment which is to make, and at the same time apply the law, is open to question and consideration, as are all new laws. Perhaps, Congress, in the mean time, in their care for the safety of the citizen, as well as that for their own protection, may declare by law what is necessary and proper to enable them to carry into execution the powers vested in them, and thereby hang up a rule for the inspection of all, which may direct the conduct of the citizen, and at the same time test the judgments they shall themselves pronounce in their own case.

Privilege from arrest takes place by force of the election; and before a return be made, a member elected may be named of a committee, and is to every intent a member, except that he cannot vote until he is sworn. *Memor.* 107, 108. *Dewes* 642. *col.* 2, 643. *col.* 1. *Pet. Miscel. Parl.* 119. *Lex. Parl. c.* 23, 2. *Hats.* 22, 62.

Every man must, at his peril, take notice who are members of either House returned of record.—*Lex. Parl.* 23, 4. *inst.* 24.

On complaint of a breach of privilege, the party may either be summoned, or sent for in custody of the sergeant. 1. *Grey*, 88, 95.

The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for

punishing him, but cannot in effect waive the privilege of the House. 3. *Grey*, 140, 222.

For any speech or debate in either House, they shall not be questioned in any other place. *Const. U. S. I.* 6. *S. P. Protest of the commons to James I.* 1621. 2. *Rapin, No.* 54. *pa.* 211, 212. But this is restrained to things done in the House in a parliamentary course. 1. *Rush.* 663. For he is not to have privilege contra morem parliamentarium, to exceed the bounds and limits of his place and duty. *Com. P.*

If an offence be committed by a member in the House, of which the House has cognizance, it is an infringement of their right for any person or court to take notice of it, till the House has punished the offender, or referred him to a due course. *Lex. Parl.* 63.

Privilege is in the power of the House, and is a restraint to the proceeding of inferior courts; but not of the House itself. 2. *Nalson* 450. 2. *Grey*, 399. For whatever is spoken in the House is subject to the censure of the House; and offences of this kind have been severely punished, by calling the person to the bar to make submission, committing him to the tower, expelling the House, &c. *Scob.* 72. *L. Parl. c.* 22.

It is a breach of order for the Speaker to refuse to put a question which is in order. 2. *Hats.* 175. 6. 5. *Grey* 133.

And even in cases of treason, felony, and breach of the peace, to which privilege does not extend as to substance, yet in Parliament, a member is privileged as to the mode of proceeding. The case is first to be laid before the House, that it may judge of the fact and of the grounds of the accusation, and how far forth the manner of the trial may concern their privilege. Otherwise, it would be in the power of other branches of the government, and even of every private man, under pretences of treason, &c. to take any man from his service in the House, and so as many, one after another, as would make the House what he pleaseth. *Decl. of the Com. on the king's declaring Sir John Hotham a traitor.* 4. *Rushw.* 586. So when a member stood indicted of felony, it was adjudged that he ought to

remain of the House till conviction. For it may be any man's case, who is guiltless, to be accused and indicted of felony, or the like crime. 23. *El.* 1580. *D'Ewes.* 283. *col.* 1. *Lex. Parl.* 133.

When it is found necessary for the public service to put a member under arrest, or when, on any public enquiry, matter comes out which may lead to affect the person of a member, it is the practice immediately to acquaint the House, that they may know the reasons for such a proceeding, and take such steps as they think proper. 2. *Hats.* 259. Of which see many examples. *Ib.* 256. 257. 258. But the communication is subsequent to the arrest. 1. *Blackst.* 167.

It is highly expedient, says Hatsell, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence that freedom of debate, which is essential to a free council. They are therefore not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual parliamentary manner. 2. *Hats*, 252. 4. *Inst.* 15. *Seld. Jud.* 53. Thus the king's taking notice of the bill for suppressing soldiers, depending before the House, his proposing a provisional clause for a bill before it was presented to him by the two Houses; his expressing displeasure against some persons for matters moved in parliament during the debate and preparation of a bill, were breaches of privilege. 2. *Nalson*, 743. and in 1783, Dec. 17. it was declared a breach of fundamental privileges, &c. to report any opinion or pretended opinion of the king on any bill, or proceeding, depending in ether house of parliament, with a view to influence the votes of the members.

In this state, the 9th sec. of the Constitution is as follows:

" That the assembly thus constituted, shall choose their own speaker, be judges of their own members, and enjoy the same privileges, and proceed in doing business in like manner, as the assemblies of the colony of New-

York of right formerly did; and that a majority of the said members shall, from time to time, constitute a house to proceed upon business.—*9th. Sec. Const. of N. Y.*

"That the freedom of speech and debates, and proceedings in the senate and assembly, shall not be impeached or questioned in any court or place out of the senate or assembly."—*11th Sec. of bill of rights, N. Y.*

An ACT for preventing any inconveniences that may happen by Privilege.—R. Laws, vol. 1. p. 122, 123.

Passed 20th February, 1788.

[J. & V. v. 2. 229.—Gr. v. 2. 59.—K. & R. v. 1. 133.]

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, any person or persons, shall and may commence and prosecute any action or suit in any court of record in this state, against any senator or member of assembly for the time being, or against their or any of their servants, or any other person entitled to the privilege of either house of the legislature, at any time from and immediately after the prorogation or adjournment of the legislature, until a new legislature shall meet, or the same be reassembled; and from and immediately after any adjournment of both houses of the legislature for above the space of fourteen days, until both houses shall meet or re-assemble; and that the said respective courts of record shall and may, after such prorogation or adjournment as aforesaid, proceed to give judgment, or to make final orders, decrees and sentences, and award execution thereupon, as such court may now lawfully do against other persons, liable to be arrested and imprisoned; any law, usage or custom to the contrary thereof notwithstanding. *Provided always,* That no member of the legislature, or his servant or servants, shall be liable to arrest, on any civil process, while coming to, on

returning from the place where the legislature shall sit, to the place of such member's residence, but such time of coming or returning, shall not exceed fourteen days.

II. *And be it further enacted by the authority aforesaid,* That where any plaintiff or plaintiffs shall, by reason or occasion of any privilege of either house of the legislature, be stayed or prevented from prosecuting any suit by him, her or them commenced, such plaintiff or plaintiffs shall not be barred by any statute of limitation, or nonsuited, dismissed, nor his, her or their suit discontinued for want of prosecution of the suit, by him, her or them begun; but may, after the time aforesaid, be at liberty to proceed to judgment and execution thereupon, as aforesaid.

III. *And whereas,* it is just and reasonable, that persons employed in offices and places of public trust, should at all times be accountable for any misdemeanors therein, and the public justice of the state requireth a vigorous prosecution of such offenders; Therefore, *Be it further enacted by the authority aforesaid,* That any action or suit shall and may be commenced, and prosecuted in any court of record in this state, against any officer or person intrusted or employed in the revenue of this state, or any part or branch thereof, or in any other office or place of public trust, for any forfeiture, misdemeanor or breach of trust, of, in or relating to such office or place of trust, or any penalty imposed by law to enforce the due execution thereof; and that no such action, suit, or any other process, proceeding, judgment or execution thereupon, although such officer or person shall be a member of the senate or assembly, shall be impeached, stayed or delayed, by or under colour or pretence of any privilege of either house of the legislature.

An ACT for the Prevention of Bribery.

R. Laws, vol. 2, p. 191.

Passed February 25, 1813.

[W. v. 4. 634.—Sess. 29. c. 181.]

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if any person shall promise, offer, or give to any member of the council of revision, council of appointment, or any commissioner of the land office, or member elect of the senate or assembly of this state, or any member who hath qualified and taken his seat in the said senate or assembly, any money, goods, chattels, chose in action, or other property, with intent to influence his vote on any question brought or to be brought before the said councils, board of commissioners, senate or assembly, such person shall be deemed guilty of a high misdemeanor, and shall on conviction thereof be fined in a sum not exceeding five thousand dollars, or imprisoned in the state-prison at hard labor, for a term not exceeding ten years, or both, in the discretion of the court.

II. *And be it further enacted*, That if any such member of the said councils, board of commissioners, senate or assembly, shall give his vote on any question brought as aforesaid, in consequence of such corrupt promise or promises, offer or offers, gift or gifts, such member shall be deemed guilty of a high misdemeanor, and shall, on conviction thereof, be fined and imprisoned as aforesaid, and also be for ever disqualified from holding a seat in the legislature, or any office of honor, profit, or trust in this state.

III. *And be it further enacted*, That it shall be the duty of the attorney-general to cause all persons already indicted, or who may be hereafter indicted for corrupting, or attempting to corrupt any such member of the legislature, or of the councils or board of commissioners aforesaid, to be brought to trial, and to attend in person to the execution of the duties required of him by this act.

SECTION 5.

QUORUM.

A *majority of the members* is a quorum.—*9th Sec. Const. of N. Y.*

In general, the chair is not to be taken by the Speaker, till a quorum for business is present; unless after due waiting, such a quorum be despaired of, when the chair may be taken and the House adjourned. And whenever during business, it is observed that a quorum is not present, any member may call for the house to be counted and, being found deficient, business is suspended.

Upon the *appearance of a quorum* the Speaker shall take the chair, and the members shall be called to order. —*Rules of Assembly* 1.

Immediately after the Speaker shall have taken the chair, the *minutes of the preceding day* shall be read by the Clerk, to the end, that any mistakes therein may be corrected by the House.—*R. of A.* 2.

SECTION 6.

CALL OF THE HOUSE.

ON a call of the House, each person rises up as he is called, and answereth. The absentees are then only noted, but no excuse to be made till the House be fully called over. Then the absentees are called a second time, and if still absent, excuses are to be heard. *Ord. H. Com.* 92.

They rise that their persons may be recognized; the voice, in such a crowd being an insufficient verification of their presence. But in so small a body as the Senate of the United States, the trouble of rising cannot be necessary.

Orders for calls on different days may subsist at the same time. 2. *Hats.* 72.

SECTION 7.

ABSENCE.

NO member, *after having appeared and been sworn*, can with propriety, absent himself from the House during the hours of business, without leave first asked and obtained from the House; unless he have a *reasonable* excuse therefor, as illness, or other urgent business, &c.

The Speaker, under the direction of the House, may send the Sergeant at Arms of the House, for any such member, absenting himself from the House during the hours of business.

SECTION 8.

SPEAKER.

HE is chosen by ballot; the Clerk of the preceding session superintends the proceedings in organizing the new House, till the Speaker is placed in the chair. The Speaker is conducted to the chair, immediately after his election, by a committee of two members appointed by the House, under a nomination by the acting Clerk.

His Powers and Duty are various.

The *Speaker shall preserve order and decorum*, and shall decide questions of order, subject to an appeal to the House.—*R. of A.* 3.

The *Speaker shall not vote in any case*, unless the House shall be equally divided.—*R. of A.* 4.

This rule applies only when the Speaker is *actually* in the chair. When the House is in committee of the whole, the Speaker addresses the chair on the matter, and votes as any other member.

When the *House adjourns*, the members shall keep their seats until the Speaker leaves the chair.—*R. of A.* 5.

Every *member*, previous to his *speaking*, shall *rise from his seat*, and address himself to the Speaker.—*R. of A.* 6.

When *two* or more members *rise at once*, the Speaker shall name the member who is first to speak.—*R. of A.* 7.

When a motion is seconded, it must be stated by the Speaker before debate.—*R. of A.* 9.

Then and then only is it in possession of the House. —*R. of A.* 10.

In forming a committee *of the whole House*, the Speaker shall leave the chair, and a chairman shall be appointed to preside.—*R. of A.* 24.

The House never resolves itself into a committee of the whole, on more than three bills or subjects *at once*; when so resolved into a committee of the whole, the Speaker says, "Mr. will please to take the chair"—the chairman thus appointed, comes to the chair, the Speaker rises, delivers him the bills, &c. and informs him the house have thus resolved itself into committee of the whole, &c. he does not resume the chair, until the committee of the whole have resolved to rise and report upon all the three different subjects. *Then* the Speaker takes his seat, and the chairman reports the proceedings in committee of the whole, and the Speaker repeats the same report to the House, where the same are, or are not agreed to.

When a bill passes the House, the Speaker shall certify the same, with the date thereof, at the foot of the bill.—*R. of A.* 28.

In the *absence of a quorum*, the Speaker may adjourn the House until the next sitting day; or if in committee of the whole, the committee may rise and report progress.—*R. of A.* 33.

On the meeting of the House, after the reading of the journal, the presentation of petitions shall be first in order, and it shall be the duty of the Speaker to call for the same.—*R. of A.* 41.

The Speaker may assign places for stenographers. *R. of A.* 38.

He nominates all the standing committees and *all* select committees of the House, and takes the sense of the House on such nominations.

Under the direction of the House, he may send the Sergeant at Arms after members that have qualified, and absent themselves without leave.

The Speaker signs his name to all addresses of the Honorable the Assembly, to his Excellency the Governor, and reads thro' and delivers the same to him, accompanied by, *and in presence* of the members of the Assembly.

Under the Colonial Government, on the 9th April, 1691, under Governor Sloughter, is the most distant period at which there seems to have been a choice of Speaker, by the House. About the same time a majority was resolved competent to do business; and on the 22d October, 1694, the Speaker was ordered to give pay certificates to members—these three last regulations have been in constant use ever since their first occurrence.

When the Speaker has been ill, other Speakers, pro tempore, have been appointed.

Instances of *this*, are, 1 *H.* 4. *Sir John Cheyney*, and so *Sir William Sturton*; and in 15 *H.* 6. *Sir John Tyrrel*, 1656, January 27. 1658, March 9. 1659, January 13.

Sir Job Charlton, ill,
Seymour chosen, 1673, Feb. 18.
Seymour being ill,
Sir Robert Sawyer chosen,
1678, April 15.
Sawyer being ill,
Seymour chosen

} Not merely *pro tem.* 1 Chand. 169. 276. 277.

Thorpe in Execution, a new Speaker chosen, 3 *H.* 6. 3 *Grey* 11. and March 14, 1694, *Sir John Trevor chosen.* There have been no later instances. 2 *Hats.* 161, 4. *inst.* 8 *L. Parl.* 263.

A Speaker may be removed at the will of the House, and a Speaker pro tempore appointed. 2 *Grey* 186. 5 *Grey* 134.

So in the Assembly, on the 12th February, 1810, Mr. Ross was chosen Speaker, Mr. Sanford, the Speaker first chosen, "*being indisposed and unable to attend to the duties of the office.*" The Speaker in the first instance, is not chosen conditionally, *not pro tem.*

SECTION 9.

ADDRESS.

THAT it shall be the duty of the governor to inform the legislature at every session, of the condition of the state, so far as may respect his department; to recommend

such matters to their consideration as shall appear to him to concern its good government, welfare and prosperity; to correspond with the continental congress, and other states; to transact all necessary business with the officers of government, civil and military; to take care that the laws are executed to the best of his ability; and to expedite all such measures as may be resolved upon by the legislature.—*Const. N. Y. Sec.* 19.

A joint address of both Houses of Parliament is read by the Speaker of the House of Lords. It may be attended by both Houses in a body, or by a committee from each House, or by the two Speakers only. An address of the House of Commons only, may be presented by the whole House, or by the Speaker. 9 *Grey* 473. 1 *Chandler* 298, 301. or by such particular members as are of the privy Council. 2 *Hats.* 278.

In the Assembly, the address in answer to the Speech of the Governor, is brought in by the chairman of a committee of three members, appointed for that purpose by the House, being first nominated by the Speaker. This is done soon after the speech is delivered. The same is then printed, and passed by the House in committee of the whole, engrossed, read again, passed, signed by the Speaker—a committee of two members is then appointed, to wait on the Governor, and know at what time and place, it will be agreeable to him to receive the House with their address in answer to his speech. This committee give him a copy of the address. He appoints a time and place, and in pursuance thereof, the Speaker leaves the chair, preceded by the Sergeant at Arms, and accompanied by the Clerk and the Members of the House, proceed at the hour to meet the Governor at the place appointed; there the Speaker reads through the address to the Governor, in presence of the House, and delivers him the same.

The House having received his reply, then return, and the Speaker makes report, that the House have waited on the Governor in pursuance of his appointment, and delivered the said address, and received the reply, which he then hands to the Clerk; it is read, and the usual business of the House is then resumed.

SECTION 10.

PRESENTATION OF PETITIONS.

That it is the right of the citizens of this state to petition the person administering the government of this state for the time being, or either house of the legislature; and all commitments and prosecutions for such petitioning, are illegal.—10*th Sec. of bill of rights, N. Y.*

On the meeting of the House, after the reading of the journal, the presentation of petitions shall be first in order, and it shall be the duty of the Speaker to call for the same. —*R. of A.* 41.

Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place.—*R. of A.* 17.

The member having the petition or memorial, rises from his seat, walks up to the Speaker's desk, and presents the petition, &c. to the Speaker. The name of the member presenting the petition, ought to be endorsed thereon by the member presenting it.

These petitions, &c. are announced to the House by the Speaker, then by him handed to the clerk; by the clerk they are read through, unless the House, on motion, dispense with the reading thereof, and then either ordered to lie on the table, or referred to a select committee.

Provided they are referred to a select committee, the following is the rule to be observed by the committee, viz:

Select committees, to whom reference shall be made, shall in all cases report a state of facts, and also their opinions thereon, to the House.—*R. of A.* 36.

In obedience to this rule, it becomes the duty of the committee, as soon as the business will permit, to meet together, examine the matters and make their report, containing a state of the facts, and their opinion thereon. When this committee is ready to report, the chairman thereof, when no one occupies the floor, or whenever the House permits, rises in his place, and there reads the report agreed upon, and then delivers the same to the Speaker, together *with all papers submitted to them.* The Speaker

announces the report, and the same is then read through, by the clerk, and the opinion of the House taken thereon, unless postponed. If agreed to, leave is given to bring in a bill, provided that is the request made in the report; and such other proceedings thereon had as the House shall think fit and proper. (See bills, first and second reading, &c. hereafter)

SECTION 11.

COMMITTEES.

STANDING committees, as of privileges and elections, &c. are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House. 4 inst. 11, 12, *Scob.* 9. 1 *Grey* 122.

At these committees the members are to speak standing, and not sitting: though there is reason to conjecture it was formerly otherwise. *D'Ewes* 630. *col.* 1. 4. *Parl. Hist.* 440. 2 *Hats.* 77.

Their proceedings are not to be published, as they are of no force till confirmed by the House. *Rushw. Parl.* 3. *vol.* 2. 74. 8 *Grey* 401. *Scob.* 39. Nor can they receive a petition but through the House. 9 *Grey* 412.

When a committee is charged with an enquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House, whereupon the member is heard in his place, or at the bar, or a special authority is given to the committee to enquire concerning him. 9 *Grey* 523.

So soon as the House sits, and a committee is notified of it, the chairman is in duty bound to rise instantly, and the members to attend the service of the House. 2 *Nals.* 319.

It appears that on joint committees of the Lords and Commons, each committee acted integrally in the following

instances. 7 *Grey* 261, 278, 285, 338. 1 *Chandler* 357, 462. In the following instances it does not appear whether they did or not. 6 *Grey* 129. 7 *Grey* 213, 229, 321.

SECTION 12.

COMMITTEE OF THE WHOLE.

THE speech, messages and other matters of great concernment, are usually referred to a committee of the whole House. 6 *Grey* 311. Where general principles are digested in the form of resolutions, which are debated and amended till they get into a shape which meets the approbation of a majority. These being reported and confirmed by the House, are then referred to one or more select committees, according as the subject divides itself into one or more bills. *Scob.* 36, 44. Propositions for any charge on the people are especially to be first made in a committee of the whole. 3 *Hats.* 127. The sense of the whole is better taken in committee, because in all committees every one speaks as often as he pleases. *Scob.* 49. They generally acquiesce in the chairman named by the Speaker: but, as well as all other committees, have a right to elect one, some member, by consent, putting the question. *Scob.* 36. 3 *Grey* 301. The form of going from the House into committee, is, for the Speaker, on motion, to put the question that the House do now resolve itself into a committee of the whole, to take under consideration such a matter, naming it. If determined in the affirmative, he leaves the chair, and takes a seat elsewhere, as any other member; and the person appointed chairman seats himself at the clerk's table. *Scob.* 36. Their quorum is the same as that of the House; and if a defect happens, the chairman, on a motion and question, rises, the Speaker resumes the chair, and the chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a committee, the Speaker takes the chair, and receives it, because the committee cannot. 2 *Hats.* 125, 126.

In a committee of the whole, the tellers on a division,

differing as to the numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table, whereupon, the members retiring to their places, the Speaker told the House "he had taken the chair without an order, to bring the House into order." Some excepted against it; but it was generally approved as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further in consequence of what had happened in the grand committee, which was done. 3 *Grey* 128.

A committee of the whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was adjourned. The next day the committee was considered as thereby dissolved, and the subject again before the House; and it was decided in the House, without returning into committee. 3 *Grey* 130.

No previous question can be put in a committee; nor can this committee adjourn as others may; but if their business is unfinished, they rise, on a question, the House is resumed, and the chairman reports that the committee of the whole have, according to order, had under their consideration such a matter, and have made progress therein; but not having had time to go through the same, have directed him to ask leave to sit again. Whereupon a question is put on their having leave, and on the time when the House will again resolve itself into a committee. *Scob.* 38. But if they have gone through the matter referred to them, a member moves that the committee may rise, and the chairman report their proceedings to the House; which being resolved, the chairman rises, the Speaker resumes the chair, the chairman informs him that the committee have gone through the business referred to them, and that he is ready to make report when the House shall think proper to receive it. If the House have time to receive it, there is usually a cry of "now, now," whereupon he makes the report: but if it be late, the cry is "to-morrow, to-morrow," or "on Monday, &c." or a motion is made to that effect, and a question put that it be received to-morrow, &c. *Scob.* 38.

In other things the rules of proceeding are to be the same as in the House. *Scob.* 39.

SECTION 13.

EXAMINATION OF WITNESSES.

COMMON fame is a good ground for the House to proceed by enquiry, and even to accusation. *Resolution House Commons* 1. *Car.* 1. 1625. *Rush. L. Parl.* 115. 1 *Grey* 16....22. 92. 8 *Grey* 21, 23, 27, 45.

As the heads of impeachment were severally read against the Lord Clarendon in 1667, some member in his place, stated to the House, "that several persons had undertaken to make that head good." Or, "that the member had heard this from a certain great lord." Or, "that this was too public to stand in need of proof." Or, in one instance, "that the member did not doubt that it will be made out." *St. Tr.* 558. 4 *Hats.* 137.

Witnesses are not to be produced but where the House has previously instituted an enquiry. 2 *Hats.* 102. nor then are orders for their attendance given blank. 3 *Grey* 51. The process is a summons from the House. 4 *Hats.* 255, 258.

When any person is examined before a committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker or Chairman, who repeats the question to the person, or says to him, "you hear the question, answer it." But if the propriety of the question be objected to, the Speaker directs the witness, counsel and parties, to withdraw; for no question can be moved or put, or debated while they are there. 2 *Hats.* 108. Sometimes the questions are previously settled in writing before the witness enters. *Ib.* 106, 107, 8 *Grey* 64. The questions asked must be entered in the journals. 3 *Grey* 81. But the testimony given in answer before the House is never written down; but before a committee it must be, for the information of the House, who are not present to hear it. 7 *Grey* 52, 334.

If either House have occasion for the presence of a per-

son in custody of the other, they ask the other their leave that he may be brought up to them in custody. 3 *Hats.* 52.

A member, in his place, gives information to the House of what he knows of any matter under hearing at the bar. *Jour. H. of C. January* 22, 1744....5.

Either House may request, but not command the attendance of a member of the other. They are to make the request by message to the other House, and to express clearly the purpose of attendance, that no improper subject of examination may be tended to him. The House then gives leave to the member to attend, if he choose it; waiting first to know from the member himself whether he chooses to attend, till which, they do not take the message into consideration. But when the peers are sitting as a court of criminal judicature, they may order attendance; unless where it be a case of impeachment by the Commons. There it is to be a request. 3 *Hats.* 17. 9 *Grey* 306, 406. 10 *Grey* 133. Counsel are to be heard only on private not on public bills, and on such points of law only as the House shall direct. 10 *Grey* 61.

SECTION 14.

ARRANGEMENT OF BUSINESS.

The Speaker shall cause the Clerk of this House to make a list of all bills, resolutions, reports of committees, and other proceedings in this House, which are committed to a committee of the whole House, and which are not made the order of the day, for any particular day, which list shall be called "the general orders of the day."—*R. of A.* 40.

When the House have proceeded to "the general orders of the day," no other business shall be in order until the House have disposed of the same, by laying them upon the table, or by postponing them until the next day.—*R. of A.* 42.

A settled order of business is necessary for the government of the presiding person, and to restrain individual members from calling up favorite measures, or matters un-

der their special patronage, out of their just turn. It is useful also, for directing the discretion of the House, when they are moved to take up a particular matter, to the prejudice of others having priority of right to their attention in the general order of business.

1. After the reading and reference of petitions, however, bills for a second reading are read, that they may be re-committed to a committee of the whole House, and so put under way.

2. Bills ready for it, are read the third time, and the question taken thereon, which is either to lie on the table, postponed to a day certain, to reject, to re-commit or that the same do pass. If the latter, the Speaker puts the question "Shall this bill pass? Gentlemen as many as agree that this bill do pass, will say aye—those opposed say no." The Speaker then pronounces the vote, "'tis carried," or "'tis lost," as the case may be.

Reports of committees are next in order. These should all be delivered in, that the business may take its proper place upon the general orders of the day.

3. Bills and other matters *before the House*, and *unfinished* on the *preceding day*, whether taken up in turn or on special order, are entitled to be resumed and passed on through their present stage.

4. These matters being dispatched, the general orders of the day is again taken up, and each article of it is brought on according to its priority of entry thereon. And although many bills were passed over the day preceding, the general order, except as to the unfinished business, is to be taken up from the beginning of the list of bills undisposed of by the House.

In this way time is not wasted in debating what shall be taken up; one thing is done at a time: thus the House follows up a subject while it is fresh, and till it is done with; clears the House of business grad atim, and prevents, to a certain degree, its immense accumulation towards the close of the session.

Orders of the day may be called for, even when another question is before the House.

The order of the day shall have the preference to any motion before the House.—*R. of A.* 31.

SECTION 15.

ORDER.

IN Parliament "*instances make order,*" per Speaker Onslow, 2 *Hats.* 141. but what is done only by one Parliament, cannot be called custom of Parliament, by Prynne, 1 *Grey* 52.

SECTION 16.

ORDER RESPECTING PAPERS.

THE Clerk is to let no journals, records, accounts, or papers be taken from the table, or out of his custody. 2 *Hats.* 193, 194.

Mr. Prynne having at a committee of the whole amended a mistake in a bill without order or knowledge of the committee, was reprimanded. 1 *Chand.* 77.

A bill being missing, the House resolved that a protestation should be made and subscribed by the members "before Almighty God and this honorable House, that neither myself nor any other to my knowledge, have taken away, or do at this present conceal a bill entitled, &c." 5 *Grey* 202.

After a bill is engrossed, it is put into the Speaker's hands, and he is not to let any one have it to look into. *Town. col,* 209.

SECTION 17.

ORDER IN DEBATE.

WHEN the Speaker is seated in his chair, every member is to sit in his place. *Scob.* 6. 3 *Grey* 403.

When any member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the

House, or any particular member, but to the Speaker, who calls him by his name, that the House may take notice who it is that speaks. *Scob.* 6. *D'Ewes* 487. *Col.* 1. 2 *Hats.* 77. 4 *Grey* 66. 8 *Grey* 108. But members who are indisposed may be indulged to speak sitting. 2 *Hats.* 75, 77. 1 *Grey* 195.

When the House adjourns, the members shall keep their seats until the Speaker leaves the chair.—*R. of A.* 5.

When a member stands up to speak, no question is to be put, but he is to be heard, unless the House overrule him. 4 *Grey* 390. 5 *Grey* 6, 143.

If two or more rise to speak nearly together, the Speaker determines who was first up, and calls him by name, whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put "which member was first up?" 2 *Hats.* 76. *Scob.* 7. *D'Ewes* 434. *col.* 1, 2.

In the Assembly of New-York, when *two* or more members *rise at once*, the Speaker shall name the member who is first to speak.—*R. of A.* 7.

No man may speak more than once to the same bill on the same day; or even on another day if the debate be adjourned. But if it be read more than once in the same day, he may speak once at every reading. *Co.* 12, 116. *Hakew.* 148. *Scob.* 98. 2 *Hats.* 75. Even a change of opinion does not give a right to be heard a second time. *Smyth Comw. L.* 2. *c.* 3. *Arcan. Parl.* 17.

The corresponding rule of Assembly, is in these words: No member shall *speak more than twice* to the same question, without leave of the House; nor more than once, until every member choosing to speak shall have spoken.—*R. of A.* 8.

But he may be permitted to speak again to clear a matter of fact. 3 *Grey* 357, 416. Or merely to explain himself, 2 *Hats.* 73. in some material part of his speech, *ib.* 75. or to the manner or words of the question, keeping himself to that only and not travelling into the merits of it; *Memorials in Hakew.* 29. or to the orders of the House if

they be transgressed, keeping within that line, and not falling into the matter itself. *Mem. in Hakew.* 30, 31.

But if the Speaker rises to speak, the member standing up ought to sit down, that he may be first heard. *Town. col.* 205. *Hale Parl.* 133. *Mem. in Hakew.* 30, 31. Nevertheless, though the Speaker may of right speak to matters of order and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact. 3 *Grey* 38.

No one is to speak impertinently or beside the question, superfluously or tediously. Scob. 31, 33. 2 *Hats.* 166, 168. *Hale Parl.* 133.

No person is to use indecent language against the proceedings of the House, no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it. 2 *Hats.* 169, 170. *Rushw. P.* 3. *v.* 1. *fol.* 42. But while a proposition is under consideration, is still in fieri, though it has even been reported by a committee, reflections on it are no reflections on the House. 9 *Grey* 508.

No person in speaking, is to mention a member then present by his name; but to describe him by his seat in the House, or who spoke last, or on the other side of the question, &c. *Mem. in Hakew.* 3 *Smyth's Comw. L.* 2. *c.* 3. nor to digress from the matter to fall upon the person, *Scob.* 31. *Hale Parl.* 133. 2 *Hats.* 166. by speaking reviling, nipping, or unmannerly words against a particular member. *Smyth's Comw. L.* 2. *c.* 3. The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose or advocate it, is a personality, and against order. Qui digreditur a materia ad personam, Mr. Speaker ought to suppress. *Ord. Com.* 1604. *Apr.* 19.

When a member shall be called to order, he shall immediately sit down, unless permitted to explain.—*R. of A.* 20.

While the Speaker is putting a question, no member shall walk out of, or across the house, nor when a member is speaking, shall any member entertain any private discourse, or pass between him and the chair.—*R. of. A.* 19.

No one is to disturb another in his speech by hissing, coughing, spitting, 6 *Grey* 332. *Scob.* 8. *D'Ewes* 332. *col.* 1. 640. *col.* 2. speaking or whispering to another; *Scob.* 3. *D'Ewes* 487. *col.* 1. nor to stand up or interrupt him; *Town. col.* 205, *Mem. in Hakew.* 31. nor to pass between the Speaker and the speaking member, nor to go across the House; *Scob.* 6. or to walk up and down it, or to take books or papers from the table, or write there. 2 *Hats.* 171.

Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that by conversation or any other noise they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill manners without sufficient reason, or inattentive to a member who says any thing worth their hearing. 2 *Hats.* 77, 78.

If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity, whereupon the House may require the member to withdraw. He is then to be heard in exculpation, and to withdraw. Then the Speaker states the offence committed, and the House considers the degree of punishment they will inflict. 2 *Hats.* 167, 7, 8, 172.

For instances of assaults and affrays in the House of commons, and the proceedings thereon, see 1 *Pet. Misc.* 82. 3 *Grey* 128. 4 *Grey* 328. 5 *Grey* 382. 6 *Grey* 254, 10 *Grey* 8. Whenever warm words, or an assault, have passed between members, the House, for the protection of their members, requires them to declare in their places not to prosecute any quarrel; 3 *Grey* 128, 293. 5 *Grey* 289. or orders them to attend the Speaker, who is to accommodate their differences and report to the House: 3 *Grey* 419. and they are put under restraint if they refuse, or until they do. 9 *Grey* 234, 312.

Disorderly words are not to be noticed till the member has finished his speech. 5. *Grey* 356. 6 *Grey* 60. Then the person objecting to them, and desiring them to be taken down by the Clerk at the table, must repeat them. The Speaker then may direct the Clerk to take them down in his minutes. But if he thinks them not disorderly, he de-

lays the direction. If the call becomes pretty general, he orders the Clerk to take them down, as stated by the objecting member. They are then part of his minutes, and when read to the offending member, he may deny they were his words, and the House must then decide by a question whether they are his words or not. Then the member may justify them, or explain the sense in which he used them, or apologize. If the House is satisfied, no farther proceeding is necessary. But if two members still insist to take the sense of the House, the member must withdraw, before that question is stated, and then the sense of the House is to be taken. 2 *Hats.* 199. 4 *Grey* 170. 6 *Grey* 59. When any member has spoken, or other business intervened after offensive words spoken, they cannot be taken notice of for censure. And this is for the common security of all, and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down any time the same day. 2 *Hats.* 196. *Mem. in Hakew.* 71. 3 *Grey* 48. 9 *Grey* 514.

Disorderly words spoken in a committee must be written down as in the House; but the committee can only report them to the House for animadversion. 6 *Grey* 46.

In Parliament, to speak irreverently or seditiously against the king is against order. *Smyth's Comw. L.* 2. *c.* 3. 2 *Hats.* 170.

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there: because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. 8 *Grey* 22.

Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore it is the duty of the

House, and more particularly of the Speaker, to interfere immediately and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. 3 *Hats.* 51.

No member may be present when a bill or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws. 2 *Hats.* 219. The rule is, that if a charge against a member arise out of a report of a committee, or examination of witnesses in the House, as the member knows from that to what points he is to direct his exculpation, he may be heard to those points, before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order, or matter arising in the debate, there the charge must be stated, that is, the question must be moved, himself heard, and then to withdraw. 2 *Hats.* 121, 122.

Where the private interests of a member are concerned in a bill or question, he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule, of immemorial observance, should be strictly adhered to. 2 *Hats.* 119. 121. 6 *Grey* 368.

No member is to come into the House with his head covered, nor to remove from one place to another with his hat on, nor is to put on his hat in coming in, or removing, until he be set down in his place. *Scob.* 6.

A question of order may be adjourned to give time to look into precedents. 2 *Hats.* 118.

In the Assembly of New-York every question of order is to be decided by the Speaker.

A member called to order, shall immediately sit down, unless permitted to explain; and the House, if appealed to, shall decide on the case, but without debate; if there be no appeal, the decision of the chair shall be submitted to. —*R. of A.* 20.

In Parliament, all decisions of the Speaker may be controuled by the House. 3 *Grey.* 319.

SECTION 18.

ORDERS OF THE HOUSE.

OF right, the door of the House ought not to be shut, but to be kept by porters, or sergeants at arms, assigned for that purpose. *Mod. Ten. Parl.* 23.

By the rules of the Senate of the United States, on motion made and seconded, to shut the doors of the Senate on the discussion of any business which may in the opinion of a member require secrecy, the President shall direct the gallery to be cleared, and during the discussion of such motion, the doors shall remain shut. *Rule* 28.

No motion shall be deemed in order, to admit any person or persons whatever, within the doors of the Senate Chamber, to present any petition, memorial, or address, or to hear any such read. *Rule* 29.

The only case where a member has a right to insist on any thing is, where he calls for the execution of a subsisting order of the House. Here, there having been already a resolution, any member has a right to insist that the Speaker, or any other whose duty it is, shall carry it into execution; and no debate or delay can be had on it. Thus any member has a right to have the House or gallery cleared of strangers, an order existing for that purpose; or to have the House told when there is not a quorum present. 2 *Hats.* 87, 129. How far an order of the House is binding, see *Hakew.* 392.

But where an order is made that any particular matter be taken up on a particular day, there a question is to be put when it is called for, whether the House will now proceed to that matter? Where orders of the day are on important or interesting matter, they ought not to be proceeded on till an hour at which the House is usually full, *(which in Senate is at noon.)*

Orders of the day may be discharged at any time, and *a new one* made for a different day. 3 *Grey* 48, 313.

When a session is drawing to a close, and the important bills are all brought in, the House, in order to prevent interruption by further unimportant bills, sometimes come to a resolution that no new bill be brought in, except it be sent from the other House. 3 *Grey* 156.

All orders of the House determine with the session; and one taken under such an order may, after the session is ended, be discharged on a habeas corpus. *Raym.* 120. *Jacob's L. D. by Ruff-head. Parliament*, 1 *Lev.* 165. *Prichard's case.*

Where the constitution authorises each House to determine the rules of its proceedings, it must mean in those cases legislative, executive or judiciary, submitted to them by the constitution, or in something relating to these, and necessary towards their execution. But orders and resolutions are sometimes entered in the journals, having no relation to these, such as acceptances of invitations to attend orations, to take part in processions, &c. These must be understood to be merely conventional among those who are willing to participate in the ceremony, and are therefore, perhaps, improperly placed among the records of the house.

SECTION 19.

PETITIONS.

A PETITION prays something. A remonstrance has no prayer. 1 *Grey* 58.

Petitions must be subscribed by the petitioners, *Scob.* 87. *L. Parl. c.* 22. 9 *Grey* 362. unless they are attending, 1 *Grey* 401. or unable to sign, and averred by a member. 3 *Grey* 418. But a petition not subscribed, but which the member presenting it affirmed to be all in the hand writing of the petitioner, and his name written in the beginning, was on the question (Mar. 14, 1800) received by the U. S. Senate. The averment of a member, or of somebody without doors, that they know the hand writing of the petitioners, is necessary if it be questioned. 6 *Grey* 36. It must be presented by a member, not by the petitioners, and must be opened by him, holding it in his hand. 10 *Grey* 57.

Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker; or by a member in his place.—*R. of A.* 17.

Regularly a motion for receiving it must be made and seconded, and a question put whether it shall be received? But a cry from the House of "received," or even its silence, dispenses with the formality of this question. It is then to be read at the table and disposed of.

SECTION 20.

MOTIONS.

WHEN a motion has been made, it is not to be put to the question or debated until it is seconded. *Scob.* 21.

The Senate of the United States say, no motion shall be debated until the same shall be seconded. *Rule* 6.

It is then and not till then in possession of the House, and cannot be withdrawn but by leave of the House. It is to be put into writing, if the House or Speaker require it, and must be read to the House by the Speaker as often as any member desires it for his information. 2 *Hats.* 82.

No *motion* shall be debated or put, unless the same be seconded: when a motion is seconded, it must be stated by the Speaker before debate, and every such motion shall be reduced to writing, if the Speaker or any member desire it. —*R. of A.* 9.

It might be asked whether a motion for adjournment or for the orders of the day can be made by one member while another is speaking? It cannot. When two members offer to speak, he who rose first is to be heard, and it is a breach of order in another to interrupt him, unless by calling him to order, if he departs from it. And the question of order being decided, he is still to be heard through. A call for adjournment, or for the order of the day, or for the question, by gentlemen from their seats, is not a motion. No motion can be made without rising and addressing the chair. Such calls are themselves breaches of order, which though the member who has risen may respect, as an expression of the impatience of the House against further debate, yet, if he chuses, he has a right to go on.

SECTION 21.

RESOLUTIONS.

WHEN the House commands, it is by an "order." But facts, principles, their own opinions, and purposes, are expressed in the form of resolutions.

All resolutions offered must be proposed and read thro' at the place of the member moving the same, then handed to the Speaker, by him announced, and then read thro' by the Clerk.

In practice, there are three kinds of resolutions.

1. Resolutions of the House not concurrent.
2. Resolutions of the House concurrent.
3. Resolutions from Senate concurrent.

The first of these may be considered whenever the House shall direct.

The second is governed by the following rule:

Every order, resolution and vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid upon the table, on a day preceding that in which the same be moved, unless the House shall otherwise allow.—*R. of A.* 16.

It has been usual under this rule, to decide that such "*allowance*" must be *unanimous*, unless the rule be dispensed with.

Resolutions concurrent, from the Senate, do not come within this rule; they may be acted upon as soon as received.

SECTION 22.

BILLS, LEAVE TO BRING IN.

Every bill shall be introduced by motion for leave, or by an order of the House on the report of a committee, and one day's notice at least shall be given of a motion to bring in a bill, unless the House unanimously allow the same to be brought in without such previous notice.—*R. of A.* 21.

When a member desires to bring in a bill on any subject, he states to the House in general terms the causes for doing it, and concludes by moving for leave to bring in a bill intitled, &c. Leave being given, on the question, a committee is appointed to prepare and bring in the bill. The mover and seconder are always appointed of this committee, and one or more in addition. *Hakew.* 132. *Scob.* 40.

It is to be presented fairly written, without any erasure or interlineation, or the Speaker may refuse it. *Scob.* 41. 1 *Grey* 82, 84.

SECTION 23.

BILLS, FIRST READING.

WHEN a bill is first presented, the clerk reads it at the table, and hands it to the Speaker, who rising states to the House the title of the bill, that this is the first time of reading it, and the question will be whether it shall be read a second time? Then sitting down to give an opening for objections; if none be made, he rises again and puts the question whether it shall be read a second time? *Hakew.* 137. 141. A bill cannot be amended at the first reading. 6 *Grey* 286, nor is it usual for it to be opposed then; *but it may be done and rejected. D'Ewes* 335. *col.* 1. 3 *Hats.* 198.

SECTION 24.

BILLS, SECOND READING.

EVERY bill shall receive three several readings previous to its being passed: and the second and third reading shall be on different days, and the third reading shall be on a day subsequent to that in which it has passed a committee of the whole House, unless the House unanimously direct otherwise.—*R. of A.* 22.

No bill shall be committed or *amended*, until it has been twice read.—*R. of A.* 23.

The second reading must regularly be on another day. *Hakew.* 143. It is done by the clerk at the table, who then hands it to the Speaker. The Speaker, rising, states to the House the title of the bill, that this is the second time of reading it, and that the question will be whether it shall be committed, or engrossed and read a third time? But if the bill came from the other House, as it always comes engrossed, he states that the question will be whether it shall be read a third time? and before he has so reported the state of the bill, no one is to speak to it. *Hakew.* 143, 146.

In the Assembly, the Speaker reports the title of the bill; that this is the second time of reading it. Bills are often read first and second time by their title, by *unanimous* consent of the House: and after second reading, the Speaker puts this question, "Shall this bill be committed to a committee of the whole house?" "Gentlemen, as many as agree thereto, will please to say aye—those opposed, will please to say no." He then pronounces it "carried" or "lost."

SECTION 25.

BILLS, COMMITMENT.

No Bill shall be amended or committed until it has been twice read.—*R. of A.* 23.

A *motion for commitment*, until it is decided, shall preclude all amendment of the main question.—*R. of A.* 15.

If on motion and question it be decided, that the bill shall be committed, it may then be moved to be referred to a committee of the whole House, or to a special committee. If the latter, the Speaker proceeds to name the committee. Any member also may name a single person, and the clerk is to write him down as of the committee. But the House have a controuling power over the names and number, if a question be moved against any one, and may in any case put in and put out whom they please.

Those who take exceptions to some particulars in the bill, are to be of the committee. But none who speak di-

rectly against the body of the bill. For he that would totally destroy, will not amend it. *Haken.* 146. *Town. coll.* 208. *D'Ewes.* 634. *col.* 2 *Scob.* 47. or as is said, 5 *Grey* 145. the child is not to be put to a nurse that cares not for it. 6 *Grey* 373. It is therefore a constant rule "that no man is to be employed in any matter who has declared himself against it." And when any member who is against the bill hears himself named of its committee, he ought to ask to be excused. Thus March 7, 1606, Mr. Hadley was, on the question's being put, excused from being of a committee, declaring himself to be against the matter itself. *Scob.* 46.

All committees are appointed by the Speaker, under the sanction of the House.

The clerk may deliver the bill to any member of the committee. *Town. Col.* 138. But it is usual to deliver it to him who is first named.

In some cases, the House has ordered a committee to withdraw immediately into the committee chamber, and act on, and bring back the bill, sitting the House. *Scob.* 48.

A committee meets when and where they please, if the House has not ordered time and place for them. 6 *Grey* 370. But they can only act when together, and not by separate consultation and consent; nothing being the report of the committee but what has been agreed to in committee actually assembled.

A majority of the committee constitutes a quorum for business. *Elsynge's Method of passing Bills.* 11.

Any member of the House may be present at any select committee, but cannot vote, and must give place to all of the committee, and sit below them. *Elsynge* 12. *Scob.* 49.

But in 1626, April 24, the House of Commons resolved, that though any members may be present at the examination of witnesses, they may not be at the debate, disposition or penning of the business by the select committee. 4 *Hats.* 124.

The committee have full power over the bill, or other paper committed to them, except that they cannot change the title or subject. 8 *Grey* 228.

The paper before a committee, whether select, or of the

whole, may be a bill, resolutions, draught of an address, &c. and it may either originate with them, or be referred to them. In every case, the whole paper is read first by the clerk, and then by the chairman, by paragraphs. *Scob.* 49. pausing at the end of each paragraph, and putting questions for amending, if proposed. In the case of resolutions on distinct subjects, originating with themselves, a question is put on each separately, as amended, or unamended, and no final question on the whole : 3 *Hats.* 276. but if they relate to the same subject, a question is put on the whole. If it be a bill, draught of an address, or other paper originating with them, they proceed by paragraphs, putting questions for amending, either by insertion or striking out, if proposed : but no question on agreeing to the paragraphs separately. This is reserved to the close, when a question is put on the whole, for agreeing to it as amended, or unamended. But if it be a paper referred to them, they proceed to put questions of amendment, if proposed, but no final question on the whole : because all parts of the paper having been adopted by the House, stand of course, unless altered, or struck out by a vote. Even if they are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition.

The natural order in considering and amending any paper is, to begin at the beginning, and proceed through it by paragraphs ; and this order is so strictly adhered to in parliament, that when a latter part has been amended, you cannot recur back and make any alteration in a former part. 2 *Hats.* 90. In numerous assemblies this restraint is doubtless important. But in Senate of the United States, though in the main they consider and amend the paragraphs in their natural order, yet recurrences are indulged : and they seem on the whole, in that small body, to produce advantages overweighing their inconveniences.

To this natural order of beginning at the beginning, there is a single exception found in parliamentary usage. When a bill is taken up in committee, or on its second reading, they postpone the preamble, till the other parts of the

bill are gone through. The reason is, that on consideration of the body of the bill, such alterations may therein be made as may also occasion the alteration of the preamble. *Scob.* 50. 7 *Grey* 431.

On this head the following case occurred in U. S. Senate, March 6, 1800. A resolution, which had no preamble, having been already amended by the House, so that a few words only of the original remained in it, a motion was made to prefix a preamble, which having an aspect very different from the resolution, the mover intimated that he should afterwards propose a correspondent amendment in the body of the resolution. It was objected that a preamble could not be taken up till the body of the resolution is done with. But the preamble was received: because we are in fact through the body of the resolution, we have amended that as far as amendments have been offered, and indeed till little of the original is left. It is the proper time, therefore, to consider a preamble: and whether the one offered be consistent with the resolution, is for the House to determine. The mover indeed, has intimated, that he shall offer a subsequent proposition for the body of the resolution; but the House is not in possession of it; it remains in his breast, and may be withheld. The rules of the House can only operate on what is before them. The practice too of the Senate of the United States, allows recurrences backwards and forwards, for the purposes of amendment, not permitting amendments in a subsequent, to preclude those in a prior part, or e converso.

When the committee is through the whole, a member moves that the committee may rise, and the chairman report the paper to the House, with, or without amendments, as the case may be. 2 *Hats.* 289, 292. *Scob.* 53. 2 *Hats.* 290. 3 *Scob.* 50.

When a vote is once passed in a committee, it cannot be altered but by the House, their votes being binding on themselves. 1607, June 4.

The committee may not erase, interline, or blot the bill itself; but must in a paper by itself, set down the amendments, stating the words which are to be inserted or omit-

ted; *Scob.* 50. and where, by references to the page, line and word of the bill. *Scob.* 50.

In forming a *committee of the whole House*, the Speaker shall leave the chair, and a chairman shall be appointed to preside.—*R. of A.* 24.

No member shall *speak more than twice* to the same question, without leave of the House; nor more than once, until every member choosing to speak shall have spoken.—*R. of A.* 8.

Bills committed *to a committee of the whole House*, shall be first read through by the Clerk, and then read and debated by clauses, leaving the preamble to be last considered: All amendments shall be entered on a separate piece of paper, and so reported to the House by the chairman, standing in his place; after the report, the bill shall be subject to debate and amendment before the question to engross it be taken.—*R. of A.* 25.

All questions, whether in committee or in the House, shall be put in the order they were moved: except that in filling up blanks, the largest sum and longest time shall be first put.—*R. of A.* 26.

A similar mode of proceeding shall be observed with bills which have originated in, and have passed the Senate, as with bills originating in the House.—*R. of A.* 27.

Upon a division, either in the House, or in committee of the whole House, the names of those who vote for, and those who vote against the question, shall be entered upon the minutes, if any two members require it.—*R. of A.* 29.

In all divisions to be taken in this House, it shall be the duty of the Clerk to enter on the minutes the name of the member calling for a division, and the name of the member who shall second such call.—*R. of A.* 30.

No motion for re-consideration shall be in order, unless on the same day or day following that on which the decision proposed to be re-considered took place, nor unless one of the majority shall move such re-consideration. A motion for re-consideration being put and lost, shall not be renewed, nor shall any subject be a second time re-considered without unanimous consent.—*R. of A.* 34.

After *a motion is stated* by the Speaker, it shall be deemed to be in possession of the House; but may be withdrawn at any time before decision or amendment.—*R. of A.* 10.

When a *question is under debate*, no motion shall be received, unless to amend it, to commit it, to postpone it to a day certain, for the previous question, or to adjourn.—*R. of A.* 11.

Every member who shall be present when a question is stated from the chair, and no other, shall vote for or against the same, unless the House shall excuse him, or unless he be immediately interested in the question, in which case he shall not vote.—*R. of A.* 18.

While the Speaker is putting a question, no member shall walk out of, or across the house, nor when a member is speaking, shall any member entertain any private discourse, or pass between him and the chair.—*R. of A.* 19.

A member called to order, shall immediately sit down, unless permitted to explain; and the House, if appealed to, shall decide on the case, but without debate; if there be no appeal, the decision of the chair shall be submitted to.—*R. of A.* 20.

The rules of the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking.—*R. of A.* 35.

SECTION 26.

REPORT OF COMMITTEE.

THE chairman of the committee, standing in his place, informs the House, that the committee, to whom was referred such a bill, have, according to order, had the same under consideration, and have directed him to report the same without any amendment, or with sundry amendments, (as the case may be,) which he is ready to do, when the House pleases to receive it. And he, or any other, may move that it be now received. But the cry of "now, now," from the House, generally dispenses with the formality of a motion and question. He then reads the amendments

with the coherence in the bill, and opens the alterations, and the reasons of the committee for such amendments, until he has gone through the whole. He then delivers it at the clerk's table, where the amendments reported are read by the clerk, without the coherence, whereupon the papers lie on the table, till the House, at its convenience, shall take up the report. *Scob.* 52. *Hakew.* 148.

The report being made, the committee is dissolved, and can act no more without a new power. *Scob.* 51. But it may be revived by a vote, and the same matter re-committed to them. 4 *Grey* 361.

1. In a committee, every member may speak as often as he pleases. 2. The votes of a committee may be rejected or altered, when reported to the House. 3. A committee even of the whole, cannot refer any matter to another committee. 4. In a committee, no previous question can be taken. The only means to avoid an improper discussion, is to move that the committee rise: and if it be apprehended that the same discussion will be attempted on returning into committee, the House can discharge them, and proceed itself on the business, keeping down the improper discussion by the previous question. 5. A committee cannot punish a breach of order, in the House or in the gallery. 9 *Grey* 113. It can only rise and report it to the House, who may proceed to punish.—*Jefferson's Manual, sec.* 30 *page* 85.

In the Assembly of this State, a committee is commonly appointed about the 7th week of the annual meeting of the Legislature, that performs nearly all the duties of the 'quasi committee of the National Legislature, and aided by a select committee, performs all the duties of a committee of the whole House.

This committee is commonly named by the Speaker, consists of nine, and is appointed, on motion, by virtue of a resolution, generally first adopted in the following words:

"*Resolved*, That a committee of nine members be appointed, whose duty it shall be to examine all bills from time to time committed to a committee of the whole House, and report all such bills as in their opinion may with safety and propriety be referred to select committees, to be

reported complete; but that no bill shall be so recommended to be referred, except with the consent of a majority of the said committee." *See Journal of Assembly*, 1816, *p.* 276.

This committee commonly meets twice per week; and from all of the bills before the House, select such as they think "*proper:*" the chairman then reports to the House what bills they have selected, and gives the titles: the Speaker then puts "the question on agreeing with the committee in their report;" if carried in the affirmative, the speaker then addressing himself to the House, says, "Is it the pleasure of the House the committee of the whole House be discharged from the further consideration of these said several bills, and that the same be referred to select committees to be reported complete?" One negative is sufficient to prevent a bill from being thus disposed of. The member objecting to any particular bill, commonly objects to that, and consents as to the remainder.

The Speaker then appoints a committee of three members to receive three of the bills, and to report the same complete: first naming the bills, and then the committee to whom he proposes to refer them, and then takes the sense of the House on the nomination, as in other cases.

These select committees of three, to whom the bills are referred, report the bills complete, with all convenient speed, either with or without amendment; and then the Speaker puts "the question on agreeing with the committee in their report;" if agreed to, he asks "Shall this (or these) bill (or bills) be engrossed? Those in favor," &c. as in other cases. If carried in the affirmative, the bill is engrossed for a third reading, in like manner as if the same had passed in committee of the whole House.

This is a very expeditious way of disposing of much business before the House of a merely local or private and not very important description.

SECTION 27.

COMMITTEE ON BILLS FROM THE SENATE.

EVERY message from the Honorable the Senate communicating any bill, for the concurrence of this House, shall, after the second reading of the said bill, be referred to a select committee, with the accompanying documents (if any) to consider and report thereon.—*R. of A.* 39.

This committee, like most select committees in the Assembly, consists of three. They receive the bill and accompanying documents, and having duly considered, report the same according to the exigency of the rule. Their report should contain a brief statement of all the facts contained in those documents, together with the opinion of the select committee thereon.

SECTION 28.

COMMITTEES ON RESOLUTIONS.

IN all resolutions of the Assembly of much importance, requiring any committee relative to the subject matter, a committee of five is appointed. In all concurrent resolutions of the Senate and Assembly, concerning any matter to be considered by joint committee, the Senate appoint three members on their part, and the Assembly five of their house to consider and report thereon.

SECTION 29.

REFERENCES TO STATE OFFICERS.

PETITIONS, memorials and bills are often referred to either the Attorney General, Surveyor General, Comptroller or Secretary of State; sometimes to all those at the same time.

When their report is received, it is referred to a select committee, in all cases, together with the papers referred, to consider and report thereon.

SECTION 30.

COMMITTEE OF SELECTION.

This is a committee of five, and is appointed in pursuance of a resolution to that effect, first offered in these words:

"*Resolved*, That a committee be appointed for the purpose of selecting from the various bills now pending in this House, such as in their opinion ought first to be acted upon; to arrange the order in which the said bills should be taken up for consideration."

This committee usually reports three or four times per week. It is seldom appointed till toward the close of the meeting.

The standing committees of the Assembly are seven: 1. Claims. 2. Ways and Means. 3. Grievances. 4. Courts of Justice. 5. On expiring Laws. 6. Privileges and Elections. 7. Colleges, Academies and common Schools.

SECTION 31.

BILL, RECOMMITMENT.

AFTER a bill has been committed and reported, it ought not, in an ordinary course, to be recommitted. But in cases of importance, and for special reasons, it is sometimes recommitted, and usually to the same committee. *Hakew.* 151. If a report be recommitted before agreed to in the House, what has passed in committee is of no validity; the whole question is again before the committee, and a new resolution must be again moved, as if nothing had passed. 3 *Hats.* 131. *note.*

In U. S. Senate, January 1800, the salvage bill was recommitted three times after the commitment.

A particular clause of a bill may be committed without the whole bill; 3 *Hats.* 131. or so much of a paper to one, and so much to another committee.

SECTION 32.

BILL, REPORT TAKEN UP.

WHEN the report of a paper originating with a committee is taken up by the House, they proceed exactly as in committee. Here, as in committee, when the paragraphs have, on distinct questions, been agreed to seriatim, 5 *Grey* 366. 6 *Grey* 368. 8 *Grey* 47, 104, 360. 1 *Torbuck's Deb.* 125. 3 *Hats.* 348. no question needs be put on the whole report. 5 *Grey* 381.

On taking up a bill reported with amendments, the amendments only are read by the clerk, The Speaker then reads the first, and puts it to the question, and so on, till the whole are adopted or rejected, before any other amendment be admitted, except it be an amendment to an amendment. *Elsynge's Mem.* 53. When through the amendments of the committee, the Speaker of the House of Representatives pauses, and gives time for amendments to be proposed in the House to the body of the bill: as he does also if it has been reported without amendments; putting no questions but on amendments proposed: and when through the whole, he puts the question whether the bill shall be read a third time? *Jefferson' Manual* 83.

SECTION 33.

BILLS, SECOND READING IN THE HOUSE.

IN Parliament, after the bill has been read a second time, if, on the motion and question, it be not committed, or if no proposition for commitment be made, the Speaker reads it by paragraphs, pausing between each, but putting no question but on amendments proposed; and when thro' the whole, he puts the question whether it shall be read a third time? if it came from the other House; or, if originating with themselves, whether it shall be engrossed and read a third time? The Speaker reads sitting, but rises to put questions. The Clerk stands while he reads.

But the Senate of the United States is so much in the

habit of making many and material amendments at the third reading, that it has become the practice not to engross a bill till it has passed. An irregular and dangerous practice; because, in this way, the paper which passes the Senate is not that which goes to the other House as the act of the Senate, has never been seen in Senate. In reducing numerous, difficult, and illegible amendments into the text, the Secretary may, with the most innocent intentions, commit errors, which can never again be corrected.

After the bill has been finally agreed to, it is ordered to be engrossed. It is then prepared to be read the third time

The bill being now as perfect as its friends can make it, this is the proper stage for those fundamentally opposed, to make their first attack. All attempts at earlier periods are with disjointed efforts; because many who do not expect to be in favor of the bill ultimately, are willing to let it go on to its perfect state, to take time to examine it themselves, and to hear what can be said for it; knowing that, after all, they will have sufficient opportunities of giving it their veto. Its two last stages therefore are reserved for this, that is to say, on the question whether it shall be read a third time? And lastly, whether it shall pass?—The first of these is usually the most interesting contest; because then the whole subject is new and engaging, and the minds of the members having not yet been declared by any trying vote, the issue is the more doubtful. In this stage, therefore, is the main trial of strength between its friends and opponents; and it behoves every one to make up his mind decisively for this question, or he loses the main battle; and accident and management may, and often do, prevent a successful rallying on the next and last question whether it shall pass?

When the bill is engrossed, the title is to be endorsed on the back, and not within the bill. *Hakew.* 250.

In the Assembly it is also written within the bill, at top:

SECTION 34.

READING PAPERS.

WHERE papers are laid before the House, or referred to a committee, every member has a right to have them once read at the table, before he can be compelled to vote on them. But it is a great, though common error, to suppose that he has a right, toties quoties, to have acts, journals, accounts, or papers on the table read independently of the will of the House. The delay and interruption which this might be made to produce, evince the impossibility of the existence of such a right. There is indeed so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information, and not for delay, the Speaker directs it to be read without putting a question, if no one objects. But if objected to, a question must be put. 2 *Hats.* 117, 118.

It is equally an error, to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House. *Ib.*

For the same reason, a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigour is never exercised, but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time; and therefore is not refused, but where that is intended. 2 *Grey* 227.

A report of a committee of the U. S. Senate on a bill from the House of Representatives, being under consideration, on motion that the report of the committee of the House of Representatives on the same bill be read in Senate, it passed in the negative; February 28, 1793.

Formerly when papers were referred to a committee, they used to be first read: but of late, only the titles; un-

less a member insists they shall be read, and then nobody can oppose it. 2 *Hats.* 117.

SECTION 35.

PRIVILEGED QUESTIONS.

No *motion* shall be debated or put, unless the same be seconded; when a motion is seconded, it shall be stated by the Speaker before debate, and every such motion shall be reduced to writing, if the Speaker or any member desire it.—*R. of A.* 9.

After *a motion is stated* by the Speaker, it shall be deemed to be in possession of the House; but may be withdrawn at any time before decision or amendment.—*R. of A.* 10.

When a *question is under debate*, no motion shall be received, unless to amend it, to commit it, to postpone it to a day certain, for the previous question, or to adjourn.—*R. of A.* 11.

A *motion to adjourn* shall be always in order, and shall be decided without debate.—*R. of A.* 12.

The *previous question*, until it is decided, shall preclude all amendment and debate of the main question, and shall be in this form—*shall the main question be now put?*—*R. of A.* 13.

No member shall speak more than once, without leave, upon a previous question.—*R. of A.* 14.

A *motion for commitment*, until it is decided, shall preclude all amendment of the main question.—*R. of A.* 15.

It is no possession of a bill, unless it be delivered to the Clerk to be read, or the Speaker reads the title. *Lex. Parl.* 274. *Elsynge Mem.* 95. *Ord. House of Commons* 64.

It is a general rule, that the question first moved and seconded, shall be first put. *Scob.* 28, 22. 2 *Hats.* 81. But this rule gives way to what may be called privileged questions: and the privileged questions are of different grades among themselves.

A motion to adjourn simply takes place of all others; *for otherwise*, the House might be kept sitting against its

will, and indefinitely. Yet this motion cannot be received after another question is actually put, and while the House is engaged in voting.

Orders of the day take place of all other questions, except for adjournment. That is to say, the question which is the subject of an order, is made a privileged one pro hac voce. The order is a repeal of the general rule as to this special case. When any member moves therefore for the orders of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed, it might continue through the day, and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question, "Whether the House will now proceed to the orders of the day," they must be read and proceeded on in the course in which they stand. 2 *Hats.* 83. For priority of order gives priority of right, which cannot be taken away but by another special order.

When the House have proceeded to "the general orders of the day," no other business shall be in order until the House have disposed of the same, by laying them upon the table, or by postponing them until the next day.—*R. of A.* 42.

After these, there are other privileged questions which will require considerable explanation.

It is proper that every Parliamentary assembly should have certain forms of question so adapted, as to enable them fitly to dispose of every proposition which can be made to them. Such are 1. The previous question. 2. To postpone indefinitely. 3. To adjourn a question to a definite day. 4. To lie on the table. 5. To commit. 6. To amend. The proper occasion for each of these questions should be understood.

1. When a proposition is moved, which it is useless or inexpedient now to express or discuss, the previous-question has been introduced for suppressing for that time the motion and its discussion. 3 *Hats.* 188, 189.

2. But as the previous question gets rid of it only for that day, and the same proposition may recur the next day,

if they wish to suppress it for the whole of that session, they postpone it indefinitely. 3 *Hats.* 183. This quashes the proposition for that session, as an indefinite adjournment is a dissolution, or the continuance of a suit sine die is a discontinuance of it.

3. When a motion is made which it will be proper to act on, but information is wanted, or something more pressing claims the present time, the question or debate is adjourned to such day within the session as will answer the views of the House. 2 *Hats.* 81. And those who have spoken before may not speak again when the adjourned debate is resumed. 2 *Hats.* 73. Sometimes, however, this has been abusively used, by adjourning it to a day beyond the session, to get rid of it altogether, as would be done by an indefinite postponement.

4. When the House has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them, they order it to lie on their table. It may then be called for at any time.

5. If the proposition will want more amendment and digestion than the formalities of the House will conveniently admit, they refer it to a committee.

6. But if the proposition be well digested and may need but few and simple amendments, and especially if these be of leading consequence, they then proceed to consider and amend it themselves.

The Senate of the United States, in their practice, vary from this regular gradation of forms. Their practice, comparatively with that of Parliament stands thus:

For the Parliamentary,	The Senate uses,
Postpmt. indefinite	Postp. to a day beyond the session.
Adjournment	—— Postp. to a day within the session.
Lying on the Table	—— Postpmt. indefinite. / Lying on the table.

In their 8th rule therefore, which declares that while a question is before the Senate, no motion shall be received unless it be for the previous question, or to postpone, commit, or amend the main question, the term postponement

must be understood according to their broad use of it, and not in its parliamentary sense. Their rule then establishes as privileged questions, the previous question, postponement, commitment and amendment.

But it may be asked, have these questions any privilege among themselves? Or, are they so equal, that the common principle of the "first moved, first put," takes place among them? This will need explanation. Their competitions may be as follow:

1. Prev. Qu. and Postpone,
   Commit,
   Amend.
2. Postpone and Prev. Qu
   Commit,
   Amend.
3. Commit and Prev. Qu.
   Postpone,
   Amend.
4. Amend and Prev. Qu.
   Postpone,
   Commit.

In the 1st, 2d, and 3d classes and the 1st member of the 4th class, the rule "first moved first put" takes place.

In the first class, where the previous question is first moved, the effect is peculiar. For it not only prevents the after motion to postpone or commit from being put to question before it, but also, from being put after it. For if the previous question be decided affirmatively, to wit, that the main question shall now be put, it would of course be against the decision to postpone or commit. And if it be decided negatively, to wit, that the main question shall not now be put, this puts the House out of possession of the main question, and consequently there is nothing before them to postpone or commit. So that neither voting for, or against the previous question, will enable the advocates for postponing or committing to get at their object. Whether it may be amended, shall be examined hereafter.

2d Class. If postponement be decided affirmatively, the proposition is removed from before the House, and consequently there is no ground for the previous question, com-

mitment, or amendment. But if decided negatively, that it shall not be postponed, the main question, may then be suppressed by the previous question, or may be committed, or amended.

The 3d class is subject to the same observations as the 2d.

The 4th class. Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is, that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed: and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the amendment, if the House had it not in their power to postpone the whole subject.

Amendment and commitment. The question for committing, though last moved, shall be first put: because, in truth, it facilitates and befriends the motion to amend. *Scobell* is express. "On a motion to amend a bill, any one may notwithstanding, move to commit it, and the question for commitment shall be first put." *Scob. 46.*

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both were moved on the original or main question; but now let us suppose one of them to be moved, not on the original primary question, but on the secondary one: *e. g.*

Suppose a motion to postpone, commit or amend the main question, and that it be moved to suppress that motion by putting a previous question on it. This is not allowed: because it would embarrass questions too much to allow them to be piled on one another several stories high; and the same result may be had in a more simple way, by deciding against the postponement, commitment or amendment. 2 *Hats.* 81, 2, 3, 4.

Suppose a motion for the previous question, or commit-

ment, or amendment of the main question, and that it be then moved to postpone the motion for the previous question, or for commitment, or amendment of the main question. 1. It would be absurd to postpone the previous question, commitment or amendment alone, and thus separate the appendage from its principal. Yet it must be postponed separately from its original, if at all: because the 8th rule of the Senate of the U. S. says, that when a main question is before the House, no motion shall be received but to commit, amend, or pre-question the original question, which is the parliamentary doctrine also. Therefore the motion to postpone the secondary motion for the previous question, or for committing or amending, cannot be received. 2. This is a piling of questions one on another, which, to avoid embarrassment, is not allowed. 3. The Same result may be had more simply, by voting against the previous question, commitment or amendment.

Suppose a commitment moved of a motion for the previous question, or to postpone or amend. The 1st, 2d and 3d reasons before stated, all hold good against this.

Suppose an amendment moved to a motion for the previous question. Answer. The previous question cannot be amended. Parliamentary usage, as well as the 9th rule of the Senate of the U. S. has fixed its form to be "Shall the main question be now put?" *i. e.* at this instant. And as the present instant is but one, it can admit of no modification. To change it to to-morrow, or any other moment, is without example, and without utility. But suppose a motion to amend a motion for postponement; as to one day instead of another, or to a special, instead of indefinite time. The useful character of amendment, gives it a privilege of attaching itself to a secondary and privileged motion. That is, we may amend a postponement of a main question. So we may amend a commitment of a main question, as by adding, for example "with instructions to enquire, &c." In like manner, if an amendment be moved to an amendment, it is admitted. But it would not be admitted in another degree: to wit, to amend an amendment to an amendment, of a main question. This would lead to too much embarrassment. The line must be drawn some-

where, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was wished to be amended. In this form it becomes only an amendment to an amendment.

All questions, whether in committee or in the House, shall be put in the order they were moved: except that in filling up blanks, the largest sum and longest time shall be first put.—*R. of A.* 26.

Contrary to the rule of Parliament which privileges the smallest sum and longest time. *5 Grey* 179. *2 Hats.* 81, 83. *3 Hats.* 132, 133. And this is considered to be not in the form of an amendment to the question; but as alternative, or successive originals. In all cases of time or number, we must consider whether the larger comprehends the lesser, as in a question to what day a postponement shall be, the number of a committee, amount of a fine, term of an imprisonment, term of irredeemability of a loan, or the terminus in quem, in any other case. Then the question must begin a maximo. Or whether the lesser concludes the greater, as in questions on the limitation of the rate of interest, on what day the session shall be closed by adjournment, on what day the next shall commence, when an act shall commence, or the terminus a quo in any other case, where the question must begin a minimo. The object being not to begin at that extreme, which, and more, being within every man's wish, no one could negative it, and yet, if he should vote in the affirmative, every question for more would be precluded: but at that extreme which would unite few, and then to advance or recede, till you get to a number which will unite a bare majority. *3 Grey* 376, 384, 385. "The fair question in this case is not that to which and more all will agree, but whether there shall be addition to the question." *1 Grey* 365.

Another exception to the rule of priority is, when a motion has been made to strike out, or agree to a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out, or agreeing to the whole paragraph.

But there are several questions, which being incidental

to every one, will take place of every one, privileged or not; to wit, a question of order arising out of any other question, must be decided before that question. 2 *Hats.* 88.

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supersedes the consideration of the original question, and must be first disposed of. 2 *Hats.* 88.

Reading papers relative to the question before the House. This question must be put before the principal one. 2 *Hats.* 88.

Leave asked to withdraw a motion. The rule of Parliament being, that a motion made and seconded is in possession of the House, and cannot be withdrawn without leave, the very terms of the rule imply that leave may be given, and consequently may be asked and put to the question.

SECTION 36.

THE PREVIOUS QUESTION.

WHEN any question is before the House, any member may move a previous question, "Whether that question (called the main question) shall now be put?" If it pass in the affirmative, then the main question is to be put immediately, and no man may speak any thing further to it, either to add or alter. *Memor. in Hakew.* 28. 4 *Grey* 27.

The *previous question*, until it is decided, shall preclude all amendment and debate of the main question, and shall be in this form—*shall the main question be now put?—R. of A.* 13.

This kind of question is understood by Mr. Hatsell to have been introduced in 1604. 2 *Hats.* 80. Sir Henry Vane introduced it. 2 *Grey* 113, 114. 3 *Grey* 384. When the question was put in this form, "Shall the main question be put?" a determination in the negative suppressed the main question during the session; but since the words "now put" are used, they exclude it for the present only. Formerly indeed, only till the present debate was over; 4 *Grey* 43. but now, for that day and no longer. 2 *Grey* 113, 114.

Before the question "whether the main question shall now be put?" any person might, formerly, have spoken to the main question, because otherwise he would be precluded from speaking to it at all. *Mem. in Hakew.* 28.

The proper occasion for the previous question is, when a subject is brought forward of a delicate nature, as to high personages, &c. or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed: and, in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases: but in these it is an embarrassing procedure: its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

Whether a main question may be amended after the previous question on it has been moved and seconded? 2 *Hats.* 88. says, If the previous question has been moved and seconded, and also proposed from the chair, (by which he means stated by the Speaker for debate) it has been doubted whether an amendment can be admitted to the main question. He thinks it may, after the previous question moved and seconded; but not after it has been proposed from the chair. In this case he thinks the friends to the amendment must vote that the main question be not now put; and then move their amended question, which being made new by the amendment, is no longer the same which has been just suppressed, and therefore may be proposed as a new one. But this proceeding certainly endangers the main question, by dividing its friends, some of whom may choose it unamended, rather than lose it altogether: while others of them may vote, as Hatsell advises, that the main question be not now put, with a view to move it again in an amended form. The enemies to the main question, by this manœuvre of the previous question, get the enemies to the amendment added to them on the first vote, and throw the friends of the main question under the embarrassment of rallying again as they can. To support his opinion too, he makes the deciding circumstance, whether an amendment

may or may not be made, to be that the previous question has been proposed from the chair. But as the rule is that the House is in possession of a question as soon as it is moved and seconded, it cannot be more than possessed of it by its being also proposed from the chair. It may be said indeed, that the object of the previous question being to get rid of a question, which it is not expedient should be discussed, this object may be defeated by moving to amend, and, in the discussion of that motion, involving the subject of the main question. But so may the object of the previous question be defeated by moving the amended question, as Mr. Hatsell proposes, after the decision against putting the original question. He acknowledges too, that the practice has been to admit previous amendment, and only cites a few late instances to the contrary. On the whole, I should think it best to decide it ab inconvenienti, to wit, which is most inconvenient, to put it in the power of one side of the House to defeat a proposition by hastily moving the previous question, and thus forcing the main question to be put unamended; or to put it in the power of the other side to force on, incidentally at least, a discussion which would be better avoided? Perhaps the last is the least inconvenience; inasmuch as the Speaker, by confining the discussion rigorously to the amendment only, may prevent their going into the main question, and inasmuch also as so great a proportion of the cases in which the previous question is called for, are fair and proper subjects of public discussion, and ought not to be obstructed by a formality introduced for questions of a peculiar character.

SECTION 37.

AMENDMENTS.

ON an amendment being moved, a member who has spoken to the main question may speak again to the amendment. *Scob.* 23.

If an amendment be proposed, inconsistent with one already agreed to, it is a fit ground for its rejection by the House; but not within the competence of the Speaker to

suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will.

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition, by making it bear a sense different from what was intended by the movers, so that they vote against it themselves. 2 *Hats.* 79, 4, 82, 84. A new bill may be ingrafted by way of amendment, on the words "Be it enacted, &c." 1 *Grey* 190, 192.

If it be proposed to amend by leaving out certain words, it may be moved as an amendment to this amendment, to leave out a part of the words of the amendment, which is equivalent to leaving them in the bill. 2 *Hats.* 80, 9. The parliamentary question is always, whether the words shall stand part of the bill?

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments, before the question is put for inserting it. If it be received, it cannot be amended afterwards, in the same stage; because the House, has on a vote, agreed to it in that form. In like manner, if it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments, before the question is put for striking it out. If, on the question, it be retained, it cannot be amended afterwards: because a vote against striking out, is equivalent to a vote agreeing to it in that form.

When it is moved to amend, by striking out certain words, and inserting others, the manner of stating the question is, first to read the whole passage to be amended as it stands at present, then the words proposed to be struck out, next those to be inserted, and lastly, the whole passage as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out. If carried, it is next on inserting the words proposed. If that be lost, it may be moved to insert others, 2 *Hats.* 80, 7.

A motion is made to amend by striking out certain

words, and inserting others in their place, which is negatived. Then it is moved to strike out the same words, and to insert others, of a tenor entirely different from those first proposed. It is negatived. Then it is moved to strike out the same words and insert nothing, which is agreed to. All this is admissible; because to strike out and insert A, is one proposition. To strike out and insert B, is a different proposition. And to strike out and insert nothing, is still different. And the rejection of one proposition does not preclude the offering a different one. Nor would it change the case were the first motion divided, by putting the question first on striking out, and that negatived. For as putting the whole motion to the question, at once, would not have precluded, the putting the half of it cannot do it.*

But if it had been carried affirmatively to strike out the words, and to insert A, it could not afterwards be permitted to strike out A and insert B. The mover of B should have notified while the insertion of A was under debate, that he would move to insert B. In which case, those who preferred it, would join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out, be so substantial as to make this effectively a different proposition. For then it is resolved into the common case of striking out a paragraph after amending it. Nor does any thing forbid a new insertion, instead of A and its coherence.

In U. S. Senate, Jan. 25, 1798, a motion to postpone until the 2d Tuesday in February some amendments pro-

* In the case of a division of the question, and a decision against striking out, I advance doubtingly the opinion here expressed. I find no authority either way; and I know it may be viewed under a different aspect. It may be thought that having decided separately not to strike out the passage, the same question for striking out cannot be put over again, though with a view to a different insertion. Still I think it more reasonable and convenient, to consider the striking out and insertion, as forming one proposition; but should readily yield to any evidence that the contrary is the practice in Parliament.

posed to the constitution....The words "until the 2d Tuesday in February," were struck out by way of amendment. Then it was moved to add "until the 1st day of June." Objected that it was not in order, as the question should be first put on the longest time; therefore, after a shorter time decided against, a longer cannot be put to question. It was answered, that this rule takes place only in filling blanks for time. But when a specific time stands part of a motion, that may be struck out as well as any other part of the motion; and when struck out, a motion may be received to insert any other. In fact, it is not till they are struck out, and a blank for the time thereby produced, that the rule can begin to operate, by receiving all the propositions for different times, and putting the questions successively on the longest. Otherwise, it would be in the power of the mover, by inserting originally a short time, to preclude the possibility of a longer. For till the short time is struck out, you cannot insert a longer; and if, after it is struck out, you cannot do it, then it cannot be done at all. Suppose the first motion had been to amend by striking out "the 2d Tuesday of February," and inserting instead thereof "the 1st of June." It would have been regular then to divide the question, by proposing first the question to strike out, and then that to insert. Now this is precisely the effect of the present proceeding; only instead of one motion and two questions, there are two motions and two questions, to effect it; the motion being divided as well as the question.

When the matter contained in two bills might be better put into one, the manner is to reject the one, and incorporate its matter into another bill by way of amendment. Or, both may be referred to a committe to be made into one bill. 4 *Hats.* 319. So if the matter of one bill would be better distributed into two, any part may be struck out by way of amendment, and put into a new bill. If a section is to be transposed, a question must be put on striking it out where it stands, and another for inserting it in the place desired.

A bill passed by the one House with blanks. These

may be filled up by the other, by way of amendments, returned to the first as such and passed. 3 *Hats.* 83.

The number prefixed to the section of a bill, being merely a marginal indication, and no part of the text of the bill, the clerk regulates that, the House or committee is only to amend the text.

SECTION 38.

DIVISION OF THE QUESTION.

IF a question contain more parts than one, it may be divided into two or more questions. *Mem. in Hakew.* 29. But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not? where it is complicated? into how many propositions it may be divided? The fact is, that the only mode of separating a complicated question is, by moving amendments to it; and these must be decided by the House on a question, unless the House orders it to be divided: as on the question, December 2, 1640, making void the election of the knights for Worcester, on a motion, it was resolved, to make two questions of it, to wit, one on each knight. 2 *Hats.* 85, 86. So wherever there are several names in a question, they may be divided and put one by one. 9 *Grey* 444. So 1729, April 17, on an objection that a question was complicated, it was separated by amendment. 2 *Hats.* 79, 5.

The soundness of these observations will be evident from the embarrassments produced by the 10th rule of the Senate of the United States, which says, "if the question in debate contain several points, any member may have the same divided."

1798, May 30, the Alien Bill in quasi-committee. To a section and proviso in the original, had been added two new provisos by way of amendment. On a motion to strike out the section as amended, the question was desired to be divided. To do this, it must be put first on striking out either the former proviso, or some distinct member of the section. But when nothing remains but the last mem-

ber of the section, and the provisos, they cannot be divided so as to put the last member to question by itself; for the provisos might thus be left standing alone, as exceptions to a rule, when the rule is taken away; or the new provisos might be left to a second question, after having been decided on once before at the same reading; which is contrary to rule. But the question must be on striking out the last member of the section as amended. This sweeps away the exceptions with the rule, and relieves from inconsistence. A question to be divisible, must comprehend points so distinct and entire, that one of them being taken away, the other may stand entire. But a proviso or exception, without an enacting clause, does not contain an entire point or proposition.

May 31. The same bill being before the Senate of the United States....There was a proviso that the bill should not extend, 1. To any foreign minister; nor, 2. to any person to whom the President should give a passport; nor 3. to any alien merchant conforming himself to such regulations as the President shall prescribe, and a division of the question into its simplest elements, was called for. It was divided into four parts, the 4th taking in the words "conforming himself, &c." It was objected that the words "any alien merchant," could not be separated from their modifying words "conforming, &c." because these words, if left by themselves, contain no substantive idea, will make no sense. But admitting that the divisions of a paragraph into separate questions must be so made as that each part may stand by itself, yet, the House having, on the question, retained the two first divisions, the words "any alien merchant" may be struck out, and their modifying words will then attach themselves to the preceding description of persons, and become a modification of that description.

When a question is divided, after the question on the 1st member, the 2d is open to debate and amendment: because it is a known rule, that a person may rise and speak at any time before the question has been completely decided, by putting the negative, as well as affirmative side. But the question is not completely put, when the vote has been taken on the first member only. One half of the

question, both affirmative and negative, remains still to be put. *See Execut. Journ. June* 25, 1795. The same decision by President Adams.

SECTION 39.

COEXISTING QUESTIONS.

IT may be asked whether the House can be in possession of two motions or propositions at the same time? So that one of them being decided the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House, and does not stand ipso facto before them at their next meeting: but must come forward in the usual way. So, when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (e. g. the previous question, postponement or commitment,) remove it from before the House. But it is only suspended by a motion to amend, to withdraw, to read papers, or, by a question of order or privilege, and stands again before the House when these are decided. None but the class of privileged questions can be brought forward, while there is another question before the House, the rule being that when a motion has been made and seconded, no other can be received, except it be a privileged one.

SECTION 40.

EQUIVALENT QUESTIONS.

IF, on a question for rejection, a bill be retained, it passes of course to its next reading. *Hakew.* 141. *Scob.* 42. And a question for a second reading, determined negatively, is a rejection without farther question. 4 *Grey* 149. And see *Elsynge's Memor.* 42. in what cases questions are to be taken for rejection.

Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other,

and leaves no other alternative, the decision of the one concludes necessarily the other. 4 *Grey* 157. Thus the negative of striking out amounts to the affirmative of agreeing; and therefore, to put a question on agreeing after that on striking out, would be to put the same question in effect twice over. Not so in questions of amendments between the two Houses. A motion to recede being negatived, does not amount to a positive vote to insist, because there is another alternative, to wit, to adhere.

A bill originating in one House, is passed by the other with an amendment. A motion in the originating House to agree to the amendment is negatived. Does there result from this a vote of disagreement, or must the question on disagreement be expressly voted? The questions respecting amendments from another House are, 1. To agree. 2. Disagree. 3. Recede. 4. Insist. 5. Adhere.

1st. To agree. } Either of these concludes the other
2d. To disagree. } necessarily: for the positive of either is exactly the equivalent of the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed, e. g. if it be moved to disagree, those who are for the amendment have a right to propose amendments, and to make it as perfect as they can, before the question of disagreeing is put.

3d. To recede. You may then either insist or adhere.
4th. To insist. You may then either recede or adhere.
5th. To adhere. You may then either recede or insist.

Consequently the negative of these is not equivalent to a positive vote the other way. It does not raise so necessary an implication as may authorise the secretary by inference to enter another vote: for two alternatives still remain, either of which may be adopted by the House.

SECTION 41.

THE QUESTION.

HE question is to be put first on the affirmative, and on the negative side.

ter the Speaker has put the affirmative part of the ion, any member who has not spoken before to the ion, may rise and speak before the negative be put. use it is no full question till the negative part be put. 23. 2 *Hats.* 73.

it in small matters, and which are of course, such as ring petitions, reports, withdrawing motions, reading s, &c. the Speaker most commonly supposes the con- f the House, where no objection is expressed, and not give them the trouble of putting the question for- . *Scob.* 22. 2 *Hats.* 79, 2, 87. 5 *Grey* 129. 9 *Grey*

SECTION 42.

BILLS, THIRD READING.

) prevent bills from being passed by surprise, the e, by a standing order, directs that they shall not be n their passage before a fixed hour, naming one at i the House is commonly full. *Hakew.* 153.

e usage of the Senate of the United States is not to ills on their passage till noon.

bill reported and passed to the third reading cannot it day be read the third time and passed. Because ould be to pass on two readings in the same day.

the third reading, the clerk reads the bill and deliv- to the Speaker, who states the title, that it is the third f reading the bill, and that the question will be wheth- hall pass? Formerly, the Speaker, or those who pre- a bill, prepared also a breviate or summary state- of its contents, which the Speaker read when he de- l the state of the bill, at the several readings. Some- however, he read the bill itself, especially on its pas-

sage. *Hakew.* 136, 137, 153. *Coke* 22, 115. Latterly, instead of this, he, at the third reading, states the whole contents of the bill verbatim, only instead of reading the formal parts, "Be it enacted, &c." he states that "the preamble recites so and so—the 1st section enacts that, &c. the 2d section enacts that, &c."

But in the Senate of the United States and in the Assembly of New-York, both of these formalities are dispensed with; the breviate presenting but an imperfect view of the bill, and being capable of being made to present a false one: and the full statement being an useless waste of time, immediately after a full reading by the clerk; and especially as every member has a printed copy of every important bill in his hand.

A bill on the third reading, is not to be committed for the matter or body thereof; but to receive some particular clause or proviso, it hath been sometimes suffered, but as a thing very unusual. *Hakew.* 156. thus 27 *El.* 1584. a bill was committed on the third reading, having been formerly committed on the second, but is declared not usual. *D'Ewes.* 337. *col.* 2, 414, *col.* 2.

When an essential provision has been omitted, rather than erase the bill, and render it suspicious, they add a clause on a separate paper, engrossed and called a ryder, which is read and put to the question three times. *Elsynge's Memorials* 59. 6 *Grey* 335. 1 *Blackst.* 183. For examples of ryders see 3 *Hats,* 121, 122, 124, 126. Every one is at liberty to bring in a ryder without asking leave. 10 *Grey* 52.

It is laid down as a general rule, that amendments proposed at the second reading shall be twice read, and those proposed at the third reading thrice read; as also all amendments from the other House. *Town. col.* 19, 23, 24, 25, 26, 27, 28.

It is with great, and almost invincible reluctance, that amendments are admitted at this reading, which occasions erasures or interlineations. Sometimes a proviso has been cut off from a bill; sometimes erased. 9 *Grey* 513.

This is the proper stage for filling up blanks; for if fill-

ed up before, and now altered by erasure, it would be peculiarly unsafe.

At this reading the bill is debated afresh, and for the most part is more spoken to, at this time, than on any of the former readings. *Hakew.* 153.

The debate on the question whether it should be read a third time? has discovered to its friends and opponents the arguments on which each side relies, and which of these appear to have influence with the House; they have had time to meet them with new arguments, and to put their old ones into new shapes. The former vote has tried the strength of the first opinion and furnished grounds to estimate the issue; and the question now offered for its passage, is the last occasion which is ever to be offered for carrying or rejecting it.

When the debate is ended, the Speaker, holding the bill in his hand, puts the question for its passage, by saying, "Gentlemen, all you who are of opinion that this bill shall pass, say aye," and after the answer of the ayes, "All those of the contrary opinion say no." *Hakew.* 154.

After the bill is passed, there can be no further alteration of it in any point. *Hakew.* 159.

SECTION 43.

DIVISION OF THE HOUSE.

THE affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays have it by the sound, if he be himself satisfied, and it stands as the judgment of the House. But if he be not himself satisfied which voice is the greater, or if, before any other member comes into the House, or before any new motion made (for it is too late after that) any member shall rise and declare himself dissatisfied with the Speaker's decision, then the Speaker is to divide the House. *Scob.* 24. 2 *Hats.* 140.

When the House of Commons is divided, the one party goes forth, and the other remains in the House. This has made it important which go forth, and which remain; be-

cause the latter gain all the indolent, the indifferent and inattentive. Their general rule therefore is, that those who give their votes for the preservation of the orders of the House, shall stay in, and those who are for introducing any new matter or alteration, or proceeding contrary to the established course, are to go out. But this rule is subject to many exceptions and modifications. 2 *Hats.* 134. 1 *Rush. p.* 3. *fol.* 92. *Scob.* 43, 52. *Co.* 12, 116. *D'Ewes.* 505. *col.* 1. *Mem. in Hakew.* 25, 29. as will appear by the following statement of who go forth.

Petition that it be received,* Read.	Ayes.	
Lie on the table,	Noes.	
Rejected after refusal to lie on the table,		
Referred to a committee, or farther proceeding,	Ayes.	
Bill that it be brought in,	Ayes.	
Read 1st or 2d time,		
Engrossed, or read 3d time,		
Proceeding on every other stage,		
Committed,		
To committee of the whole,	Noes.	
To a select committee,	Ayes.	
Report of bill to lie on table,	Noes.	
Be *now* read,	Ayes.	
Be taken into consideration 3 months hence,	30 P. J.	251.
Amendments be read a 2d time,	Noes.	
Clause offered on report of bill be read 2d time,	Ayes.	
For receiving a clause,		334.
With amendments be engrossed,		395.
That a bill be *now* read a 3d time,	Noes.	398.

* Noes 9 Grey 363.

Receive a ryder,	Ayes.	260.
Pass,		259.
Be printed,		
Committees. That A take the chair,		
To agree to the whole or any part of report,		
That the H. do *now* resolve into committee,		291.
Speaker. That he now leave the chair, after order to go into committee,	Noes.	
That he issue warrant for a new writ,		
Member. That none be absent without leave,		
Witness. That he be further examied,	Ayes.	344.
Previous question,	Noes.	
Blanks. That they be filled with the largest sum,	Ayes.	
Amendments. That words stand part of		
Lords. That their amendment be read a 2d time,	Noes.	
Messenger be received,		
Orders of day to be now read, if before 2 o'clock,	Ayes.	
If after 2 o'clock,	Noes.	
Adjournment, till the next sitting day, if before 4 o'clock.	Ayes.	
if after 4 o'clock,	Noes.	
Over a sitting day (unless a previous resolution,)	Ayes.	
Over the 30th of January	Noes.	
For sitting on Sunday or any other day, not being a sitting day,	Ayes.	

The one party being gone forth, the Speaker names two tellers from the affirmative, and two from the negative side, who first count those sitting in the House, and report the number to the Speaker. Then they place themselves within the door, two on each side, and count those who went forth, as they come in, and report the number to the Speaker. *Mem. in Hakew.* 26.

A mistake in the report of the tellers may be rectified after the report made. 2 *Hats.* 145. *note.*

But in both Houses of Congress, and in the assembly of New-York, all these intricacies are avoided. The ayes first rise and are counted, standing in their places, by the President or Speaker. Then they sit, and the noes rise and are counted in like manner.

In the U. S. Senate, if they be equally divided, the Vice-President announces his opinion, which decides. In assembly of New-York, the Speaker exercises a like power.

By the Constitution of New-York—

Whenever the assembly and senate disagree, a conference shall be held in the presence of both, and be managed by committees to be by them respectively chosen by ballot. That the doors both of the senate and assembly, shall at all times be kept open to all persons, except when the welfare of the state shall require their debates to be kept secret. And the journals of all their proceedings shall be kept in the manner heretofore accustomed by the general assembly of the colony of New-York, and except such parts as they shall as aforesaid respectively determine not to make public, be from day to day (if the business of the legislature will permit) published.—*Con. S.* 15.

By the 11th rule of the U. S. Senate, when the yeas and nays shall be called for by one fifth of the members present, each member called upon, shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

When it is proposed to take the vote by yeas and nays, the President or Speaker states, that "the question is, wheth-

er e. g. the bill shall pass ? that it is proposed that the yeas and nays shall be entered on the journal. Those therefore who desire it will rise." If he finds and declares that one fifth have risen, he then states that " those who are of opinion that the bill shall pass are to answer in the affirmative, those of the contrary opinion in the negative." The clerk then calls over the names alphabetically, notes the yea or nay of each, and gives the list to the President or Speaker, who declares the result. In Senate of U. S. if there be an equal division, the secretary calls on the Vice-President, and notes his affirmative or negative, which becomes the decision of the House.

In assembly, *upon a division*, either in the House, or in committee of the whole House, the names of those who vote for, and those who vote against the question, shall be entered upon the minutes, if any two members require it.—*R. of A.* 29.

In all divisions to be taken in Assembly, it shall be the duty of the clerk to enter on the minutes the name of the member calling for a division, and the name of the member who shall second such call.—*R. of A.* 30.

The Clerk calls over the names, enters down the votes, tells them over and declares the result of the vote.

If the House is equally divided, the Speaker gives the casting vote which is noted *accordingly*.

The *Speaker shall not vote in any case*, unless the House shall be equally divided.—*R. of A.* 4.

In the House of Commons, every member must give his vote the one way or the other. *Scob.* 24. as it is not permitted to any one to withdraw who is in the House when the question is put, nor is any one to be told in the division who was not in when the question was put. 2 *Hats.* 140.

This last position is always true when the vote is by yeas and nays; where the negative as well as affirmative of the question is stated by the Presdent at the same time, and the vote of both sides begins and proceeds pari passu. It is true also when the question is put in the usual way, if the negative has also been put. But if it has not, the member entering, or any other member, may speak, and even propose amendments, by which the debate may be opened

again, and the question be greatly deferred. And as some who have answered aye, may have been changed by the new arguments, the affirmative must be put over again. If then the member entering may, by speaking a few words, occasion a repetition of the question, it would be useless to deny it on his simple call for it.

While the House is telling, no member may speak, or move out of his place; for if any mistake be suspected, it must be told again. *Mem. in Hakew.* 26. 2 *Hats.* 143.

Every member who shall be present when a question is stated from the chair, and no other, shall vote for or against the same, unless the House shall excuse him, or unless he be immediately interested in the question, in which case he shall not vote.—*R. of A.* 18.

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular. He sometimes permits old experienced members to assist him with their advice, which they do, sitting in their seats, covered, to avoid the appearance of debate; but this can only be with the Speaker's leave, else the division might last several hours. 2 *Hats.* 143.

The voice of the majority decides. For the lex majoris partis is the law of all councils, elections, &c. where not otherwise expressly provided. *Hakew.* 93. But if the House be equally divided, "semper presumatur pro negante;" that is, the former law is not to be changed but by a majority. *Town. col.* 134.

But in the Senate of the United States, the Vice-President decides, when the House is divided. Constitution United States I. 3.

When from counting the House on a division, it appears that there is not a quorum, the matter continues exactly in the state in which it was before the division, and must be resumed at that point on any future day. 2 *Hats.* 126.

1606, May 1, On a question whether a member having said yea, may afterwards sit and change his opinion? a precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards in 39 *Eliz.* who in like case changed his opinion. *Mem. in Hakew.* 27.

SECTION 44.

RECONSIDERATION.

WHEN a question, in Senate of the U. S. has been once made and carried in the affirmative, or negative, it shall be in order for any member of the majority, to move for the reconsideration thereof. Rule 22.

1798, January. A bill on its second reading, being amended, and on the question whether it shall be read a third time negatived, was restored by a decision to reconsider that question. Here the votes of negative and reconsideration, like positive and negative quantities in equation, destroy one another, and are as if they were expunged from the journals. Consequently the bill is open for amendment, just so far as it was the moment preceding the question for the third reading. That is to say, all parts of the bill are open for amendment, except those on which votes have been already taken in its present stage. So also it may be recommitted.

The rule permitting a reconsideration of a question affixing to it no limitation of time or circumstance, it may be asked whether there is no limitation? If, after the vote, the paper on which it is passed has been parted with, there can be no reconsideration: as if a vote has been for the passage of a bill, and the bill has been sent to the other House. But where the paper remains, as on a bill rejected; when, or under what circumstances does it cease to be susceptible of reconsideration? This remains to be settled: unless a sense that the right of reconsideration is a right to waste the time of the House in repeated agitations of the same question, so that it shall never know when a question is done with, should induce them to reform this anomalous proceeding.

No motion for re-consideration shall be in order, unless on the same day or day following that on which the decision proposed to be re-considered took place, nor unless one of the majority shall move such re-consideration. A motion for re-consideration being put and lost, shall not

be renewed, nor shall any subject be a second time re-considered without unanimous consent.—*R. of A.* 34.

Notice of such intended reconsideration ought to be given in the House, as soon after the decision of the point about which the reconsideration is to be moved, as possible; otherwise the subject matter may be *beyond the reach of the House*, by being sent to the Senate or otherwise.

In Parliament, a question once carried, cannot be questioned again at the same session; but must stand as the judgment of the House. *Town. col.* 67. *Mem. in Haken.* 33. And a bill once rejected, another of the same substance cannot be brought in again the same session. *Haken.* 158. 6 *Grey* 392. But this does not extend to prevent putting the same question in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, though the same amendment has been accepted or rejected in a former stage. So in reports of committees, e. g. report of an address, the same question is before the House, and open for free discussion. *Town. col.* 26. 2 *Hats.* 98, 100, 101. So orders of the House, or instructions to committees may be discharged. So a bill, begun in one House, sent to the other, and there rejected, may be renewed again in that other, passed and sent back. *Ib.* 92. 3 *Hats.* 161. Or if, instead of being rejected, they read it once and lay it aside, or amend it, and put it off a month, they may order in another to the same effect with the same or a different title. *Haken.* 97, 98.

Divers expedients are used to correct the effects of this rule; as by passing an explanatory act, if any thing has been omitted or ill expressed, 3 *Hats.* 278. or an act to enforce, and make more effectual an act, &c. or to rectify mistakes in an act, &c. or a committee on one bill may be instructed to receive a clause to rectify the mistakes of another. Thus, June 24, 1685, a clause was inserted in a bill for rectifying a mistake committed by a clerk in engrossing a bill of supply. 2 *Hats.* 194, 6. Or the session may be closed for one, two, three or more days, and a new one commenced. But then all matters depending must be

finished, or they fall, and are to begin de novo. 2 *Hats.* 94, *to* 98. Or a part of the subject may be taken up by another bill, or taken up in a different way. 6 *Grey* 304, 316.

And in cases of the last magnitude, this rule has not been so strictly and verbally observed as to stop indispensable proceedings altogether. 2 *Hats.* 92, 98. Thus when the address on the preliminaries of peace, in 1782, had been lost by a majority of one, on account of the importance of the question, and smallness of the majority, the same question in substance, though with some words not in the first, and which might change the opinion of some members, was brought on again and carried; as the motives for it were thought to outweigh the objection of form. 2 *Hats.* 99, 100.

A second bill may be passed to continue an act of the same session; or to enlarge the time limited for its execution. 2 *Hats.* 95, 98. This is not in contradiction to the first act.

SECTION 45.

BILLS FROM THE OTHER HOUSE.

A bill from the other House is sometimes ordered to lie on the table. 2 *Hats.* 97.

When bills passed in one House and sent to the other, are grounded on special facts requiring proof, it is usual either by message, or at a conference, to ask the grounds and evidence; and this evidence, whether arising out of papers, or from the examination of witnesses, is immediately communicated. 3 *Hats.* 48.

SECTION 46.

AMENDMENTS BETWEEN THE HOUSES.

WHEN either House, e. g. the House of Commons, sends a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the

Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting, may be repeated as often as they choose, to keep the question open. But the first adherence by either, renders it necessary for the other to recede or adhere also; when the matter is usually suffered to fall. 10 *Grey* 148. Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless. 3 *Hats.* 268, 270. The term of insisting, we are told by Sir John Trevor, was then (1679) newly introduced into Parliamentary usage, by the Lords. 7 *Grey* 94. It was certainly a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House however is free to pass over the term of insisting, and to adhere in the first instance. 10 *Grey* 146. But it is not respectful to the other. In the ordinary Parliamentary course, there are two free conferences at least before an adherence. 10 *Grey* 147.

Either House may recede from its amendment and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment. For here the disagreement and receding destroy one another, and the subject stands as before the disagreement. *Elsynge* 23, 27. 9 *Grey* 476.

But the House cannot recede from, or insist on its own amendment, with an amendment: for the same reason that it cannot send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they cannot amend their own amendment, because they have, on the question, passed it in that form. 9 *Grey* 353. 10 *Grey* 240. In Senate, March 29, 1798. Nor where one House has adhered to their amendment, and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence.

In the case of a money bill, the Lords' proposed amendments, become by delay, confessedly necessary. The Commons, however, refused them, as infringing on their privilege as to money bills; but they offered themselves to add to the bill a proviso to the same effect, which had no coherence with the Lords' amendments; and urged that it was an expedient warranted by precedent, and not unparliamentary, in a case become impracticable and irremediable in any other way. 3 *Hats.* 256, 266, 270, 271. But the Lords refused, and the bill was lost. 1 *Chand.* 283. A like case, 1 *Chand.* 311. So the Commons resolved that it is unparliamentary to strike out at a conference any thing in a bill which hath been agreed and passed by both Houses. 6 *Grey* 274. 1 *Chand.* 312.

A motion to amend an amendment from the other House, takes precedence of a motion to agree or disagree.

A bill originating in one House, is passed by the other with an amendment. The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment; that being only the second and not the third degree. For as to the amending House, the first amendment with which they passed the bill, is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the first degree, and the amendment to that again by the amending House, is only in the second, to wit, an amendment to an amendment and so admissible. Just so when, on a bill from the originating House, the other, at its second reading, makes an amendment; on the third reading, this amendment is become the text of the bill, and if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the second degree.

SECTION 47.

CONFERENCES.

Whenever the assembly and senate disagree, a conference shall be held in the presence of both, and be managed by committees to be by them respectively chosen by ballot. That the doors both of the senate and assembly, shall at all times be kept open to all persons, except when the welfare of the state shall require their debates to be kept secret. And the journals of all their proceedings shall be kept in the manner heretofore accustomed by the general assembly of the colony of New-York, and except such parts as they shall as aforesaid respectively determine not to make public, be from day to day (if the business of the legislature will permit) published.—*Con. S.* 15.

It is on the occasion of amendments by one House disagreed to by the other, that conferences are usually asked; but they may be asked, 4 *Hats.* 4, 223, in all cases of difference of opinion between the two Houses, on matters depending between them. 4 *Hats.* 4, 5, 7. The request of a conference, however, must always be by the House which is possessed of the papers. 3 *Hats.* 31. 1 *Grey* 425. 4 *Hats.* 3, 43.

Conferences may be either simple or free. At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered, without debate, to the managers of the other House at the conference; but are not then to be answered. 3 *Grey* 144. The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory, and ask a conference on the subject of the last conference where they read and deliver in like manner written answers to those reasons. 3 *Grey* 183. They are meant, chiefly, to record the justification of each House to the nation at large, and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them. 3 *Grey* 255. At free conferences, which are asked after two conferences, 4 *Hats.* 37, 40. the managers discuss, viva voce and freely, and interchange propositions for such

modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. The conferees may argue in support of what is done in their House, but not against it, nor assent to any new thing there propounded, till their House be informed and agree to it. 4 *Hats.* 31, 33. And each party reports in writing to their respective Houses, the substance of what is said on both sides, and it is entered in their journals. 9 *Grey* 220. 3 *Hats.* 280. 4 *Hats.* 48. This report cannot be amended or altered, as that of a committee may be. *Journ. Sen. May* 24, 1796.

A conference may be asked before the House asking it has come to a resolution of disagreement, insisting or adhering. 3 *Hats.* 269, 341. In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding. For, as was urged by the Lords on a particular occasion, "it is held vain and below the wisdom of Parliament to reason or argue against fixed resolutions, and upon terms of impossibility to persuade." 3 *Hats.* 226. So the Commons say "an adherence is never delivered at a free conference, which implies debate." 10 *Grey* 147. And on another occasion, the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering. It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering; 3 *Hats.* 269. and we do in fact see instances of conferences, or of free conference, asked after the resolution of disagreeing, 3 *Hats.* 251, 253, 260, 286, 291, 316, 349; of insisting, *ib.* 280, 296, 299, 319, 322, 355; of adhering, 269, 270, 283, 300; and even of a second or final adherence, 3 *Hats.* 270. And in all cases of conference asked after a vote of disagreement, &c. the conferees of the House asking it, are to leave the papers with the conferees of the other: and in one case, where they refused to receive them, they were left on the table in the conference chamber. *Ib.* 271, 317, 323, 354. 10 *Grey* 146.

The Commons affirm that it is usual to have two free

conferences or more, before either House proceeds to adhere: because, before that time, the Houses have not had the full opportunity of making replies to one another's arguments; and to adhere so suddenly and unexpectedly, excludes all possibility of offering expedients. 4 *Hats.* 330.

After a free conference, the usage is to proceed with free conferences, and not to return again to a conference. 3 *Hats.* 270. 9 *Grey* 229.

After a conference denied, a free conference may be asked. 1 *Grey* 45.

When a conference is asked, the subject of it must be expressed, or the conference not agreed to. *Ord. H. Commons* 89. 1 *Grey* 425. 7 *Grey* 31. 4 *Hats.* 20, 46. They are sometimes asked to enquire concerning an offence, or default of a member of the other House. 6 *Grey* 181. 1 *Chandler* 304. Or the failure of the other House to present to the king a bill passed by both Houses. 8 *Grey* 302. Or on information received, and relating to the safety of the nation. 10 *Grey* 171. Or, when the methods of Parliament are thought by the one House to have been departed from by the other, a conference is asked to come to a right understanding thereon. 10 *Grey* 148. So when an unparliamentary message has been sent, instead of answering it, they ask a conference. 3 *Grey* 155. Formerly, an address, or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the king, were sometimes communicated by way of conference. 6 *Grey* 128, 300, 387. 7 *Grey* 80. 8 *Grey* 210, 255. 1 *Torbuck's Deb.* 278. 10 *Grey* 293. 1 *Chandler* 49, 287. But this is not the modern practice. 8 *Grey* 255.

A conference has been asked after the first reading of a bill. 1 *Grey* 194. This is a singular instance.

During the time of a conference the House can do no business. As soon as the names of the managers are called over, and they are gone to the conference, the Speaker leaves the chair, without any question, and resumes it on the return of the managers. It is the same while the managers of an impeachment are at the House of Lords. 4 *Hats.* 47, 299, 288.

SECTION 48.

MESSAGES.

MESSAGES between the two houses are to be sent only while both houses are sitting. 3 *Hats.* 15. They are received during a debate, without adjourning the debate. 3 *Hats.* 22.

In the House of representatives, and in the assembly of N. Y. as in Parliament, if the House be in committee when a messenger attends, or when any important message is transmitted, the Speaker takes the chair to receive the message, announces the same, and then quits it to return into committee, generally without any question or interruption. 4 *Grey* 226.

Messengers are not saluted by the members, but by the Speaker for the House. 2 *Grey* 253, 274.

If messengers commit an error in delivering the message, they may be admitted or called in to correct their message. 4 *Grey* 41. Accordingly, March 18, 1800, the Senate of the United States having made two amendments to a bill from the House of Representatives, their secretary, by mistake, delivered one only; which being inadmissible by itself, that House disagreed, and notified the Senate of the U. S. of their disagreement. This produced a discovery of the mistake. The Secretary was sent to the other House to correct his mistake, the correction was received and the *two* amendments acted on *de novo*.

All bills, resolutions and other messages relative *to any particular matter* before the Legislature, transmitted by either House, are delivered by the Clerk of the House *sending* the message; the Clerk of one House delivers the same to the Clerk of the other, informing him of the import of the same; and the first convenient opportunity, unless it be very important, it is communicated to the Speaker and by him announced to the House.

As soon as the messenger who has brought bills from the other House, has retired, the Speaker holds the bill in his hand, and acquaints the House "that the other House have, by their messenger, sent certain bills," and then reads their

titles, and delivers them to the Clerk to be safely kept, till they shall be called for to be read. *Hak.* 178.

In the assembly, as soon as a bill is received from the Senate, the Speaker, holding the same in his hand, acquaints the House "that the honorable the Senate have passed the bill entitled "*an act, &c.* (title) in which bill they request the concurrence of this House." He then delivers them to the Clerk, and if no motion or objection is made to the contrary, the bill then has its first reading *through*, and its "second reading by its title."

It is not the usage for one House to inform the other by what numbers the bill has passed. 10 *Grey* 150. Yet they have sometimes recommended a bill, as of great importance to the consideration of the House to which it is sent. 3 *Hats.* 25. Nor when they have rejected a bill from the other House, do they give notice of it; but it passes sub silentio. to prevent unbecoming altercation. 1 *Blackst.* 183.

But in Congress, the rejection is notified by message to the House in which the bill originated.

A question is never asked by the one House of the other by way of message, but only at a conference: for this is an interrogatory, not a message. 3 *Grey* 151, 181.

When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it. 3 *Hats.* 25. 5 *Grey* 154. But if it be mere inattention, it is better to have it done informally, by communications between the Speakers, or members of the two Houses.

Where the subject of a message is of a nature that it can properly be communicated to both Houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one House was not noticed by the other, because the declaration, being original, could not possibly be sent to both Houses at the same time. 2 *Hats.* 260, 261, 262.

The king having sent original letters to the Commons, afterwards desires they may be returned, that he may communicate them to the Lords. 1 *Chandler* 303.

SECTION 49.

ASSENT.

THE House which has received a bill and passed it, may present it for the king's assent, and ought to do it, though they have not by message notified to the other, their passage of it. Yet the notifying by message is a form which ought to be observed between the two Houses from motives of respect, and good understanding. 2 *Hats.* 242. Were the bill to be withheld from being presented to the king, it would be an infringement of the rules of Parliament. *Ib.*

When a bill has passed both Houses of Congress, the House last acting on it, notifies its passage to the other, and delivers the bill to the joint committee of enrollment, who see that it is truly enrolled in parchment. When the bill is enrolled, it is not to be written in paragraphs, but solidly and all of a piece, that the blanks between the paragraphs may not give room for forgery. 9 *Grey* 143.

When a bill has passed both Houses of the Legislature, the House last acting on it, notifies its passage to the other, and delivers the bill to the House where it was first brought forward. Then the House, where the bill was brought in, orders the Clerk to deliver the same to the honorable the Council of Revision. He delivers the same at their Council Chamber.

If they *think it not improper* that the same should become a law of this state, a memorandum of that import is endorsed upon the bill, and signed by the Governor of the state, and dated the day of their approbation thereof. The bill is then deposited among the rolls and records in the office of the Secretary of State; and the said Council, by the Secretary of State, being the Secretary of the Council of Revision, notifies by message, the House in which it originated, that it does not appear improper to the council the same should become a law, of which that House informs the other by message. If the council disapprove, they are to return it with their objections to that House in which it shall have originated; who are to enter the objec-

tions at large on their journal, and to proceed to reconsider it, as set forth in the following section of the constitution of the state of New-York.

AND WHEREAS laws inconsistent with the spirit of this constitution, or with the public good, may be hastily and unadvisedly passed: BE IT ORDAINED, That the governor for the time being, the chancellor and judges of the supreme court, or any two of them, together with the governor, shall be, and hereby are, constituted a council to revise all bills about to be passed into laws by the legislature. And for that purpose shall assemble themselves, from time to time, when the legislature shall be convened; for which, nevertheless, they shall not receive any salary or consideration under any pretence whatever. And that all bills which have passed the Senate and Assembly, shall, before they become laws, be presented to the said council for their revisal and consideration; and if upon such revision and consideration, it should appear improper to the said council, or a majority of them, that the said bill should become a law of this state, that they return the same, together with their objections thereto in writing, to the senate or house of assembly, in whichsoever the same shall have originated, who shall enter the objections sent down by the council, at large, in their minutes, and proceed to re-consider the said bill. But if after such re-consideration, two thirds of the said senate, or house of assembly, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be re-considered, and if approved by two thirds of the members present, shall be a law.

And in order to prevent any unnecessary delays,

Be it further ordained, That if any bill shall not be returned by the council, within ten days after it shall have been presented, the same shall be a law, unless the legislature shall, by their adjournment, render a return of the said bill within ten days impracticable: in which case the bill shall be returned on the first day of the meeting of the legislature, after the expiration of the said ten days.—*3d section of the const. of N. Y.*

SECTION 50.

JOURNALS.

" The journal of all the proceedings of the Senate and Assembly, shall be kept in the manner heretofore accustomed by the general Assembly of the Colony of New-York, and except such parts as they shall as aforesaid respectively determine not to make public, be from day to day (if the business of the legislature will permit) published."—*15th sect. of the Const. of N. Y.*

Upon a division, either in the House, or in committee of the whole House, the names of those who vote for, and those who vote against the question, shall be entered upon the minutes, if any two members require it.—*R. of A.* 29.

In all divisions to be taken in this House, it shall be the duty of the Clerk to enter on the minutes the name of the member calling for a division, and the name of the member who shall second such call.—*R. of A.* 30.

That in all cases where a bill, orders, resolutions or motion, shall be entered on the journals of this House, the name of the member moving the same, shall also be entered on the journals.—*R. of A.* 37.

A brief statement of the contents of each petition, memorial or paper presented to the House, is entered on the journals. All reports of committees, state officers and messages, and communications from the governor and state officers, &c. entered at length.

The proceedings of the Assembly, *when not acting in a committee of the whole*, should be entered on the journals concisely, care being taken to detail a true account of the proceedings.

The titles of bills, and such parts thereof as shall be affected by proposed amendments, should be inserted on the journals.

So much of every clause, section or bill, &c. as a division of the House is taken upon, should be entered on the journals *at length.*

If a question is interrupted by a vote to adjourn, or to

proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote: but when suppressed by the previous question, the first question must be stated, in order to introduce and make intelligible the second. 2 *Hats.* 83.

So also when a question is postponed, adjourned, or laid on the table, the original question, though not yet a vote, must be expressed in the journals; because it makes part of the vote of postponement, adjourning, or laying it on the table.

Where amendments are made to a question, those amendments are not printed in the journals separated from the question; but only the question as finally agreed to by the House. The rule of entering in the journals only what the House has agreed to, is founded in great prudence and good sense; as there may be many questions proposed which it may be improper to publish to the world, in the form in which they are made. 2 *Hats.* 85.

In both Houses of Congress all questions whereon the Yeas and Nays are desired by one fifth of the members present, whether decided affirmatively or negatively, must be entered in the journals. Const. I. 5.

The first order for printing the votes of the House of Commons, was October 30, 1685. 1 *Chandler* 387.

Some judges have been of opinion, that the journals of the House of Commons are no records, but only remembrances. But this is not law. *Hob.* 110, 111. *Lex. Parl.* 114, 115. *Journ. H. C. Mar.* 17, 1592. *Hale Parl.* 105. For the Lords in their House have power of judicature, the Commons in their House have power of judicature, and both Houses together have power of judicature; and the book of the clerk of the House of Commons is a record, as is affirmed by act of Parliament; 6 *H.* 8. *c.* 16. 4 *Inst.* 23, 24. and every member of the House of Commons hath a judicial place. 4 *Inst.* 15. As records, they are open to every person, and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a committee to inspect the journals of the other, and report what has been done by the other in any particular case. 2 *Hats.* 261, 3 *Hats.* 27, 30. Every member has

a right to see the journals, and to take and publish votes from them. Being a record, every one may see and publish them. 6 *Grey* 118, 119.

On information of a misentry or omission of an entry in the journal, a committee may be appointed to examine and rectify it, and report it to the House. 2 *Hats.* 194, 5.

SECTION 51.

ADJOURNMENT.

THAT neither the assembly or the senate shall have power to adjourn themselves for any longer time than two days, without the mutual consent of both.—14*th section of the const. of N. Y.*

The two Houses of Parliament have the sole, separate, and independent power of adjourning each their respective Houses. The king has no authority to adjourn them; he can only signify his desire, and it is in the wisdom and prudence of either House to comply with his requisition, or not, as they see fitting. 2 *Hats.* 232. 1 *Blackstone* 186. 5 *Grey* 122.

By the Constitution of the United States, a smaller number than a majority may adjourn from day to day. I. 5. But "neither House, during the session of Congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting." I. 5. And in case of disagreement between them with respect to the time of adjournment, the President may adjourn them to such time as he shall think proper. Constitution II. 3.

A motion to adjourn simply, cannot be amended as by adding "to a particular day." But must be simply "that this House do now adjourn?" and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution "that at its rising it will adjourn to a particular day," and then the House is adjourned to that day. 2 *Hats.* 82.

Where it is convenient that the business of the House be suspended for a short time, as for a conference present-

ly to be held, &c. it adjourns during pleasure. 2 *Hats.* 305. Or for a quarter of an hour. 5 *Grey* 331.

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it. 5 *Grey* 137. And from courtesy and respect, no member leaves his place till the Speaker has passed on.

A *motion to adjourn* shall be always in order, and shall be decided without debate.—*R. of A.* 12.

When the House first meet, before they adjourn, two resolutions are necessary; 1st. to fix a time for the meeting on next day. 2d To adjourn accordingly.

When a motion to adjourn is carried, the Speaker before he leaves the chair says, "this House is adjourned until o'clock to-morrow morning," or "until o'clock on morning next," as the case may be.

SECTION 52.

A SESSION.

PARLIAMENT have three modes of separation, to wit, by adjournment, by prorogation, or dissolution by the king, or by the efflux of the term for which they were elected. Prorogation or dissolution constitutes there what is called a session, provided some act has passed. In this case, all matters depending before them are discontinued, and at their next meeting are to be taken up de novo, if taken up at all. 1 *Blackst.* 186. Adjournment, which is by themselves, is no more than a continuance of the session from one day to another, or for a fortnight, a month, &c. ad libitum. All matters depending remain in statu quo, and when they meet again, be the term ever so distant, are resumed without any fresh commencement, at the point at which they were left. 1 *Lev.* 165. *Lex. Parl. c.* 2. 1 *Ro. Rep.* 29. 4 *Inst.* 7, 27, 28. *Hutt.* 61. 1 *Mod.* 252. *Ruffh. Jac. L. Dict. Parliament.* 1 *Blackst.* 186. Their whole session is considered in law but as one day, and has relation to the first day thereof. *Bro. Abr. Parliament* 86.

Committees may be appointed to sit during a recess by adjournment, but not by prorogation. 5 *Grey* 374. 9 *Grey*

350. I *Chandler* 50. Neither House can continue any portion of itself in any parliamentary function beyond the end of the session, without the consent of the other two branches. When done, it is by a bill constituting them commissioners for the particular purpose.

Congress separate in two ways only, to wit, by adjournment, or dissolution by the efflux of their time. What then constitutes a session with them? A dissolution certainly closes one session, and the meeting of the new Congress begins another. The constitution authorises the President "on extraordinary occasions, to convene both Houses or either of them." I. 3. If convened by the President's proclamation, this must begin a new session, and of course determine the preceding one to have been a session. So if it meets under the clause of the constitution which says, "the Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day," I. 4. this must begin a new session. For even if the last adjournment was to this day, the act of adjournment is merged in the higher authority of the constitution, and the meeting will be under that, and not under their adjournment. So far we have fixed land marks for determining sessions. In other cases, it is declared by the joint vote authorising the President of the Senate and the Speaker to close the session on a fixed day, which is usually in the following form, "Resolved, by the Senate and House of Representatives, that the President of the Senate and the Speaker of the House of Representatives be authorised to close the present session by adjourning their respective Houses on the day of ."

In the state of New-York, the Senators are elected for four years; the members of assembly for one only. A session is one year, and commences the first day of July.

The Legislature separate in three ways. 1 By adjournment. 2. By dissolution by the efflux of the time of the members of the assembly, viz: on the last day of June. 3. By prorogation.

The governor shall continue in office three years, and shall by virtue of his office, be general and commander in

chief of all the militia, and admiral of the navy of this state; that he shall have power to convene the assembly and senate on extraordinary occasions, to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year; and at his discretion to grant reprieves and pardons to persons convicted of crimes, other than treason or murder, in which he may suspend the execution of the sentence, until it shall be reported to the legislature at their subsequent meeting; and they shall either pardon or direct the execution of the criminal, or grant a further reprieve.—*18th sect. of the const. of N. Y.*

The mode in which the legislature adjourn, is, by adopting a resolution of the following form: viz:

Resolved, (if the honorable the Senate concur herein) that this Legislature will adjourn on the day of .

When it was said above, that all matters depending before parliament, were discontinued by the determination of the session, it was not meant for judiciary cases, depending before the house of Lords, such as impeachments, appeals and writs of error. These stand continued of course to the next session. *Rayn.* 120, 381. *Ruffh. Jac. L. D. Parliament.*

Impeachments stand in like manner continued before the Senate of the United States. In like manner the business of the court of errors of this state is continued before the said court. But any *Legislative* business unfinished at the time of the *close of the session*, goes for none; and if any of it is to be again acted upon, it must be taken up *de novo*.

SECTION 53.

IMPEACHMENT.

THE House of Representatives shall have the sole power of impeachment.—*Const. of the United States*, I. 3.

The U. S. Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside: and *no person* shall be convicted without the concurrence of

two thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States. But the party convicted shall neverless be liable and subject to indictment, trial, judgment and punishment, according to law. —*Const. of U. S.* I. 3.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.—*Constitution*, II, 4.

The trial of crimes, except in cases of impeachment, shall be by jury.—*Constitution*, III. 2.

And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That no member of this state shall be disfranchised or deprived of any of the rights or privileges secured to the subjects of this state, by this constitution, unless by the law of the land, or the judgment of his peers.—13*th sect. constitution of N. Y.*

And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That a court shall be instituted for the trial of impeachments, and the correction of errors, under the regulations which shall be established by the legislature; and to consist of the president of the senate for the time being, and the senators, chancellor, and judges of the supreme court, or the major part of them; except that when an impeachment shall be prosecuted against the chancellor, or either of the judges of the supreme court, the person so impeached shall be suspended from exercising his office, until his acquittal: And in like manner, when an appeal from a decree in equity shall be heard, the chancellor shall inform the court of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined shall be brought up by writ of error on a question of law, on a judgment in the supreme court, the judges of the court shall assign the reasons of such their judgment, but shall not have a voice for its affirmance or reversal.—32d *sect. const. of N. Y.*

That the power of impeaching all officers of the state, for mal and corrupt conduct in their respective offices, be vested in the representatives of the people in assembly; but that it shall always be necessary that two third-parts of the members present shall consent to and agree in such impeachment. That previous to the trial of every impeachment, the members of the said court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence; and that no judgment of the said court shall be valid, unless it shall be assented to by two third-parts of the members then present, nor shall it extend farther than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this state. But the party so convicted, shall be, nevertheless, liable and subject to indictment, trial, judgment and punishment, according to the laws of the land.—33d *sect. const. of N. Y.*

And it is further ordained, That in every trial on impeachment or indictment for crimes or misdemeanors, the party impeached or indicted, shall be allowed counsel, as in civil actions.—34th *sect. const. of N. Y.*

That no citizen of this state shall be taken or imprisoned, or be disseised of his or her freehold, or liberties, or free customs; or outlawed, or exiled, or condemned, or otherwise destroyed, but by lawful judgment of his or her peers, or by due process of law.—2d *sec. bill of rights.*

That no citizen of this state shall be taken or imprisoned, for any offence, upon petition or suggestion, unless it be by indictment or presentment of good and lawful men of the same neighborhood where such deeds be done, in due manner, or by due process of law.—3d *sec. bill rights.*

That no person shall be put to answer without presentment before justices, or matter of record, or due process of law, according to the law of the land; and if any thing be done to the contrary, it shall be void in law, and holden for error.—4th *sec. bill of rights.*

That no person, of what state or condition soever, shall be taken or imprisoned, or disinherited, or put to death, without being brought to answer by due process of law; and that no person shall be put out of his or her franchise

or freehold, or lose his or her life or limb, or goods and chattels, unless he or she be duly brought to answer, and be fore-judged of the same, by due course of law; and if any thing be done contrary to the same, it shall be void in law and holden for none.—5th *sec. bill of rights.*

These are the provisions of the Constitution of the United States and state of New-York, on the subject of impeachments. The following is a sketch of some of the principles and practices of England on the same subject.

Jurisdiction. The Lords cannot impeach any to themselves, nor join in the accusation, because they are the judges, *Seld. Judic. in Parl.* 12, 63. (A work of doubtful authority.) 4 *Hats.* 153, 186. Nor can they proceed against a Commoner but on complaint of the Commons. *Ib.* 84. The Lords may not, by the law, try a Commoner for a capital offence, on the information of the king, or a private person; because the accused is entitled to a trial by his peers generally; but on accusation by the House of Commons, they may proceed against the delinquent of whatsoever degree, and whatsoever be the nature of the offence; for there they do not assume to themselves trial at common law. The Commons are then instead of a jury, and the judgment is given on their demand, which is instead of a verdict. So the Lords do only judge, but not try the delinquent. *Ib.* 6, 7. But Wooddeson denies that a Commoner can now be charged capitally before the Lords, even by the Commons; and cites Fitzharris's case, 1681, impeached of high treason, where the Lords remitted the prosecution to the inferior court. 8 *Grey's Deb.* 325—7. 2 *Wooddeson* 601, 576. 3 *Seld.* 1610, 1619, 1641. 4 *Blacks.* 257. 3 *Seld.* 1604, 1618, 9, 1658. 4 *Hats.* 200 *et passim contra.*

Accusation. The Commons, as the grand inquest of the nation, become suitors for penal justice. 2 *Wood.* 597. 6 *Grey* 356. The general course is, to pass a resolution containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation at the bar of the House of Lords, in the name of the Commons. The person signifies that the articles will be exhibited, and desires that the delinquent may

be sequestered from his seat, or be committed, or that the peers will take order for his appearance. *Sachev. Trial.* 325. 2 *Wood.* 602, 605. *Lords' Journ.* 3 *June*, 1701. 1 *Wms.* 616. 6 *Grey* 324.

Process. If the party do not appear, proclamations are to be issued, giving him a day to appear. On their return they are strictly examined. If any error be found in them, a new proclamation issues, giving a short day. If he appear not, his goods may be arrested, and they may proceed. *Seld. Jud.* 98, 99.

Articles. The accusation (articles) of the Commons is substituted in place of an indictment. Thus, by the usage of Parliament, in impeachment for writing or speaking, the particular words need not be specified. *Sach. Tr.* 325. 2 *Wood.* 602, 605. *Lords' Journ.* 3 *June*, 1701. 1 *Wms.* 616.

Appearance. If he appears, and the case be capital, he answers in custody; though not if the accusation be general. He is not to be committed but on special accusations. If it be for a misdemeanor only, he answers a Lord in his place, a Commoner at the bar, and not in custody, unless, on the answer, the Lords find cause to commit him, till he find sureties to attend, and lest he should fly. *Seld. Jud.* 98, 99. 4 *Hats.* 176, 185. A copy of the articles is given him, and a day fixed for his answer. *T. Ray.* 1 *Rushw.* 268. *Fost.* 232. 1 *Clar. Hist. of the Reb.* 379. On a misdemeanor, his appearance may be in person, or he may answer in writing, or by attorney. *Seld. Jud.* 100. The general rule on an accusation for a misdemeanor is, that in such a state of liberty or restraint as the party is when the Commons complain of him, in such he is to answer. *Ib.* 101. If previously committed by the Commons, he answers as a prisoner. But this may be called in some sort judicium parium suorum. *Ib.* In misdemeanors, the party has a right to counsel by the common law; but not in capital cases. *Seld. Jud.* 102....5.

Answer. The answer need not observe great strictness of form. He may plead guilty as to part, and defend as to the residue; or, saving all exceptions, deny the whole, or give a particular answer to each article separately. 1

Rush. 274. 2 *Rush.* 1374. 12 *Parl. Hist.* 442. 3 *Lords' Journ.* 13 *Nov.* 1643. 2 *Wood.* 607. But he cannot plead a pardon in bar to the impeachment. 2 *Wood.* 615. 2 *St. Tr.* 735.

Replication, Rejoinder, &c. There may be a replication, rejoinder, &c. *Seld. Jud.* 114. 8 *Grey's Deb.* 233. *Sachev. Tr.* 15. *Journ. H. of Commons*, 6 *March*, 1640.... 1.

Witnesses. The practice is to swear the witnesses in open House, and then examine them there: or a committee may be named, who shall examine them in committee, either on interrogatories agreed on in the House, or such as the committee in their discretion shall demand. *Seld. Jud.* 120, 123.

Jury. In the case of Alice Peirce, 1 *R.* 2. a jury was impanneled for her trial before a committee. *Seld. Jud.* 123. But this was on a complaint, not on impeachment by the Commons. *Seld. Jud.* 163. It must also have been for a misdemeanor only, as the Lords spiritual sat in the case, which they do on misdemeanors, but not in capital cases. *Ib.* 148. The judgment was a forfeiture of all her lands and goods. *Ib.* 188. This, Selden says, is the only jury he finds recorded in Parliament for misdemeanors: but he makes no doubt, if the delinquent doth put himself on the trial of his country, a jury ought to be impanneled, and he adds, that it is not so on impeachment by the Commons; for they are in loco proprio, and there no jury ought to be impannelled. *Ib.* 121. The Ld. Berkeley, 6 *E.* 3. was arraigned for the murder of, *L.* 2. on an information on the part of the king, and not on impeachment of the commons; for then they had been patria sua. He waved his peerage, and was tried by a jury of Gloucestershire and Warwickshire. *Ib.* 125 But 4 *Hats.* 73, says he was a Commoner, and that there was no waiver of privilege. In 1 *H.* 7. the Commoners protest that they are not to be considered as parties to any judgment given, or hereafter to be given in Parliament. *Ib.* 133. They have been generally, and more justly, considered, as is before stated, as the grand jury. For the conceit of Selden is certainly not accurate, that they are the patria sua of the accused, and that the

Lords do only judge, but not try. It is undeniable that they do try. For they examine witnesses as to the facts, and acquit or condemn, according to their own belief of them. And Lord Hale says, "the peers are judges of law as well as of fact." 2 *Hale P. C.* 275. Consequently of fact as well as of law.

Presence of Commons. The Commons are to be present at the examination of witnesses. *Seld. Jud.* 124. Indeed they are to attend throughout, either as a committee of the whole House, or otherwise, at discretion, appoint managers to conduct the proofs. *Rush. Tr. of Straff.* 37. *Com. Journ.* 4 *Feb.* 1709....10. 2 *Wood.* 614 And judgment is not to be given till they demand it. *Seld. Jud.* 124. But they are not to be present on impeachment when the Lords consider of the answer or proofs, and determine of their judgment. Their presence however is necessary at the answer and judgment in cases capital, *ib.* 158, 159, as well as not capital. 162. The Lords debate the judgment among themselves. Then the vote is first taken on the question of guilty or not guilty: and if they convict, the question, or particular sentence, is out of that which seemeth to be most generally agreed on. *Seld. Jud.* 167. 2 *Wood.* 612.

Judgment. Judgments in Parliament for death have been strictly guided per legem terræ, which they cannot alter: and not at all according to their discretion. They can neither omit any part of the legal judgment, nor add to it. Their sentence must be secundum, non ultra legem. *Seld. Jud.* 168, 171. This trial, though it varies in external ceremony, yet differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments prevail. For impeachments are not framed to alter the law, but to carry it into more effectual execution against too powerful delinquents. The judgment therefore is to be such as is warranted by legal principles or precedents. 6 *Sta. Tr.* 14. 2 *Wood.* 611. The Chancellor gives judgments in misdemeanors; the Lord High Steward formerly in cases of life and death. *Seld. Jud.* 180. But now the Steward is deemed not necessary. *Fost.* 144. 2 *Wood.*

613. In misdemeanors, the greatest corporal punishment hath been imprisonment. *Seld. Jud.* 184. The king's assent is necessary in capital judgments, (but 2 *Wood.* 614, contra) but not in misdemeanors. *Seld. Jud.* 136.

Continuance. An impeachment is not discontinued by the dissolution of parliament; but may be resumed by the new parliament. *T. Ray.* 383. 4 *Com. Journ.* 23 *Dec.* 1790. *Lords' Journ. May* 16, 1791. 2 *Wood.* 618.

AN ALPHABETICAL LIST

OF THE COUNTIES

OF THE STATE OF NEWYORK

AND THE NAMES OF THE SEVERAL TOWNS IN EACH COUNTY, ALPHABETICALLY ARRANGED, UNDER THE NAME OF THE COUNTY.

CITY AND COUNTY OF ALBANY.

Albany (City,) Five Wards,
Bethlehem,
Bern,
Coeymans,
Guilderland,
Rensselaerville,
Watervliet,
Westerlo. 12

COUNTY OF ALLEGANY.

Alfred,
Angelica,
Friendship,
Caneadea,
Nunda,
Ossian,
Rushford, 7

COUNTY OF BROOME.

Berkshire,
Chenango,
Lisle,
Owego,
Union,
Windsor, 6

COUNTY OF CAYUGA.

Aurelius,
Brutus,
Cato,
Dryden,
Genoa,
Locke,
Mentz,
Owasco,
Scipio,
Sempronius,
Sterling,
Wolcott, 12

COUNTY OF CHAUTAUQUE.

Chautauque,
Ellicott,
Gerry,
Hanover,
Harmony,
Pomfret,
Portland,
Ripley, 8

COUNTY OF CHENANGO.

Bainbridge,
Columbus,
Coventry,
Eastern,
German,
Green,
M'Donough,
New-Berlin,
Norwich,
Oxford,
Pharsalia,
Plymouth,
Preston,
Sherburne,
Smithville,
Smyrna, 16

COUNTY OF CATTARAUGUS.

Ischua,
Olean, 2

COUNTY OF CLINTON.

Champlain,
Chazy,
Mooers,
Peru,
Plattsburgh, 5

COUNTY OF COLUMBIA.

Ancram,
Canaan,
Chatham,
Claverack,
Clermont,
Germantown,
Granger,
Hillsdale,
Hudson, City, two Wards,
Kinderhook,
Livingston,
Taghcanick, 12

COUNTY OF CORTLAND.

Cincinnatus,
Homer,
Preble,
Solon,
Scott,
Truxton,
Virgil, 7

COUNTY OF DELAWARE.

Colchester,
Delhi,
Franklin,
Hancock,
Harpersfield,
Kortright,
Masonsville,
Meredith,
Middletown,
Roxbury,
Sidney,
Stamford,
Tompkins,
Walton, 14

COUNTY OF DUTCHESS.

Amenia,
Beekman,
Clinton,
Dover,
Fishkill,
Northeast,
Pawling,
Poughkeepsie,
Red-Hook,
Rhinebeck,
Stanford,
Washington, 12

COUNTY OF ESSEX.

Chesterfield,
Crown Point,
Essex,
Elizabeth-Town,
Jay,
Keene,
Lewis,
Moriah,
Schroon,
Ticonderoga,
Willsborough,
Westport, 12

COUNTY OF FRANKLIN.

Bangor,
Cateaugay,
Constable,
Dickinson,
Malone, 5

COUNTY OF GENESSEE.

Alexander,
Attica,
Batavia,
Bethany,
Bergen,
Caledonia,
Gates,
Gaines,

Gainesville,
Le Roy,
Leicester,
Middlebury,
Murray,
Orangeville,
Parma,
Pembroke,
Perry,
Ridgeway,
Riga,
Sheldon,
Sweden,
Warsaw, 22

COUNTY OF GREENE

Athens,
Cairo,
Catskill,
Coxsackie,
Durham,
Greenville,
Hunter,
Lexington,
New-Baltimore,
Windham, 10

COUNTY OF HAMILTON.

This county is yet a part of the county of Montgomery. Its territory is entirely included in 2 or 3 towns, at present named under "*Montgomery*" county.

COUNTY OF HERKIMER.

Columbia,
Frankfort,
Fairfield,
Germanflatts,
Herkimer,
Litchfield,
Newport,
Norway,
Russia,
Schuyler,
Warren,
Winfield, 12

COUNTY OF JEFFERSON.

Adams,
Antwerp,
Brownville,
Champion,
Ellisburgh,
Henderson,
Hounsfield,
Le Ray,
Lorraine,
Rodman,
Rutland,
Watertown,
Wilna, 13

COUNTY OF KINGS.

Brooklyn,
Bushwick,
Flatbush,
Flatlands,
Gravesend,
New-Utrecht, 6

COUNTY OF LEWIS.

Denmark,
Harrisburgh,
Leyden,
Lowville,
Martinsburgh,
Pinckney,
Turin, 7

COUNTY OF MADISON.

Brookfield,
Cazenovia,
De Ruyter,
Eaton,
Georgetown,
Hamilton,
Lebanon,
Lenox,
Madison,
Nelson,
Smithfield,
Sullivan, 12

COUNTY OF MONTGOMERY.

Amsterdam,
Broadalbin,
Canajoharie,
Charleston,
Florida,
Johnstown,
Lake Pleasant,
Manheim,
Mayfield,
Minden,
Northampton,
Oppenheim,
Palatine,
Salisbury,
Stratford,
Wells, 1(

CITY AND COUNTY OF NEW-YORK.

New-York, Ten Wards, 1(

COUNTY OF NIAGARA.

Buffaloe,
Cambria,
Clarence,
Concord,
Eden,
Hamburgh,
Hartland,
Niagara,
Porter,
Perry,
Willink, 1

COUNTY OF ONEIDA.

Augusta,
Boonsville,
Bridgewater,
Camden,
Deerfield,
Florence,
Floyd,
Lee,
Paris,
Remsen,
Rome,
Sangerfield,
Steuben,
Trenton,
Vernon,
Verona,
Vienna,
Western,
Westmoreland,
Whitestown, 20

COUNTY OF ONONDAGA.

Camillus,
Cicero,
Fabius,
Lysander,
Manlius,
Marcellus,
Onondaga,
Otisco,
Pompey,
Spafford,
Salina,
Tully, 12

COUNTY OF ONTARIO.

Avon,
Benton,
Bloomfield,
Brighton,
Bristol,
Canandarqua,
Farmington,
Geneseo,
Gorham,
Groveland,
Italy,
Jerusalem,
Lima,
Livonia,
Lyons,
Mendon,
Middlesex,
Naples,
Ontario,
Palmyra,
Penfield,
Perrington,
Phelps,
Pittsford,
Richmond,
Seneca,
Sodus,
Sparta,
Springwater,
Victor,
Williamson, 31

COUNTY OF ORANGE

Bloomingrove,

Cornwall,
Deerpark,
Goshen,
Minisink,
Montgomery,
Munroe,
Newburgh,
New-Windsor,
Wallkill,
Warwick, 11

COUNTY OF OSWEGO.
Constantia,
Hannibal,
Mexico,
New-Haven,
Richland,
Redfield,
Scriba,
Volney,
Williamstown, 9

COUNTY OF OTSEGO.
Burlington,
Butternuts,
Cherry-Valley,
Decatur,
Edmeston,
Exeter,
Hartwick,
Laurens,
Maryland,
Middlefield,
Milford,
New-Lisbon,
Otego,
Otsego,
Pittsfield,
Plainfield,
Richfield,
Springfield,
Unadilla,
Westford,
Worcester,

COUNTY OF PUTNA
Carmel,
Frederick,
Patterson,
Phillipstown,
Southeast

COUNTY OF QUEEN
Flushing,
Hempstead,
Jamaica,
Newtown,
North-Hempstead,
Oyster-Bay,

COUNTY OF RENSSELAER.

Berlin,
Brunswick,
Greenbush,
Grafton,
Hosick,
Lansingburgh,
Nassau,
Petersburgh,
Pittstown,
Sand-Lake,
Schacticoke,
Schodack,
Stephentown,
Troy, Five Wards. 18

COUNTY OF RICHMOND.

Castleton,
Northfield,
Southfield,
Westfield, 4

COUNTY OF ROCKLAND.

Clarkstown,
Haverstraw,
Hempstead,
Orangetown,

COUNTY OF SARATOGA.

Ballstown,
Charlton,
Edinburgh,
Galway,
Greenfield,
Hadley,
Malta,
Milton,
Moreau,
Northumberland,
Orange,
Providence,
Saratoga,
Stillwater,
Waterford, 15

CITY AND COUNTY OF SCHENECTADY.

Duanesburgh,
Neskayuna,
Princetown,
Schenectady, 4 Wards, 7

COUNTY OF SCHOHARIE.

Blenheim,
Broome,
Carlisle,
Cobleskill,
Jefferson,

Middleburgh,
Schoharie,
Sharon, 8

COUNTY OF SENECA.

Fayette,
Galen,
Hector,
Junius,
Ovid,
Romulus,
Ulysses, 7

COUNTY OF ST. LAWRENCE.

Canton,
De Kalb,
Fowler,
Governeur,
Hopkinton,
Lisbon,
Louisville,
Madrid,
Massena,
Oswegatchie,
Parishville,
Potsdam,
Rossie,
Russel,
Stockholm, 15

COUNTY OF STEUBEN.

Addison,
Bath,
Canisteo,
Cohocton,
Dansville,
Howard,
Jersey,
Painted-Post,
Pulteney,
Prattsburgh,
Reading,
Troupsburgh,
Wayne, 13

COUNTY OF SUFFOLK.

Brookhaven,
East-Hampton,
Huntington,
Islip,
Riverhead,
Shelter-Island,
Smithtown,
Southampton,
Southold,

COUNTY OF SULLIVAN.

Bethel,
Liberty,
Lumberland,

Mamakating,
Neversink,
Rockland,
Thompson, 7

COUNTY OF TIOGA.
Candor,
Caroline,
Cathaimestown,
Cayuta,
Chemung,
Danby,
Elmira,
Spencer,
Tioga, 9

COUNTY OF ULSTER.
Esopus
Hurley,
Kingston,
Marbletown,
Marlborough,
New-Paltz,
Plattekill,
Rochester,
Saugerties,
Shandaken,
Shawangunk,
Warwasing,
Woodstock, 13

COUNTY OF WARREN
Athol,
Bolton,
Caldwell,
Chester,
Hague,
Johnsburgh,
Luzerne,
Queensbury,
Warrensburgh, 9

COUNTY OF WASHINGTON.
Argyle,
Cambridge,
Easton,
Fort Ann,
Granville,
Greenwich,
Hampton,
Hartford,
Hebron,
Jackson,
Kingsbury,
Putnam,
Salem,
Whitehall,
White Creek, 15

COUNTY OF WESTCHESTER.			
Bedford,		North-Salem,	
Cortlandt,		Pelham,	
East-Chester,		Poundridge,	
Greenburgh,		Rye,	
Harrison,		Scarsdale,	
Mamaroneck,		Somers,	
Mount-Pleasant,		South-Salem,	
New-Castle,		Westchester,	
New-Rochelle,		White-Plains,	
North-Castle,		Yonkers,	
		Yorktown,	21

Whole number of Counties, 49
Whole number of Towns, each ward of a city being considered as a town, 542
Whole number of members of Assembly, 126

The following Laws, shew the apportionment of the Senators—and the apportionment of the members of Assembly, among the foregoing Counties.

An ACT respecting the four great Senatorial Districts of this State.

Passed April 17, 1815.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Tuesday in May, one thousand eight hundred and fifteen, the four great districts of this state for the election of senators, shall respectively comprehend the following counties, to wit: The southern district, the city and county of New-York, the counties of Kings, Queens, Suffolk, Richmond, Westchester, Putnam, Dutchess and Rockland, and shall elect six senators; the middle district, the counties of Orange, Ulster, Sullivan, Delaware, Greene, Schoharie, Columbia, Otsego, Chenango, and the city and county of Albany, and shall elect nine senators; the western district, the counties of Oneida, Madison, Onondaga, Cayuga, Seneca, Ontario, Niagara, Genesee, Chautauque, Al-

legany, Steuben, Tioga, Cortland, Broome and Cattaraugus, and shall elect nine senators; the eastern district, the counties of Rensselaer, Washington, Warren, Essex, Franklin, Clinton, Saratoga, Schenectady, Montgomery, Herkimer, Lewis, Jefferson and St. Lawrence, and shall elect eight senators.

II. *And be it further enacted*, That the several senators to be elected at the next anniversary election, and which have heretofore been elected, shall severally be considered as elected for the several districts within which they respectively reside at the time of such election, according as the districts are defined by the first section of this act.—*R. Laws, chap.* 208, *38th session.*

An ACT apportioning the Members of Assembly of this State according to the rule prescribed by the constitution.

Passed April 8, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the number of members of Assembly to be chosen in each of the counties of this state shall be as follows, to wit: in the city and county of New-York eleven, in the county of Suffolk three, in the county of Queens three, in the county of Kings one, in the county of Richmond one, in the county of Westchester three, in the county of Rockland one, in the county of Orange four, in the county of Putnam one, in the county of Dutchess five, in the county of Columbia four, in the counties of Ulster and Sullivan four, in the county of Delaware two, in the county of Greene two, in the city and county of Albany four, in the county of Schenectady two, in the county of Montgomery five, in the county of Saratoga four, in the county of Rensselaer five, in the counties of Washington and Warren five, in the county of Essex one, in the counties of Clinton and Franklin one, in the county of St. Lawrence one, in the county Lewis one, in the county of Oneida five, in the county of Jefferson two, in the county of Herkimer three, in the county of Madison three, in the county of Otsego five, in the county of Scho-

harie three, in the county of Chenango three, in the county of Cortland one, in the county of Broome one, in the county of Tioga one, in the counties of Allegany and Steuben two, in the counties of Chautauque, Cattaraugus and Niagara two, in the county of Seneca three, in the county of Genesee three, in the county of Ontario seven, in the county of Cayuga four, in the county of Onondaga four.

II. *And be it further enacted*, That until other legislative provisions be made in the premises, the electors of the said counties of Ulster and Sullivan shall give their votes for the said four members of Assembly in the same manner as if the said county of Sullivan was part of the said county of Ulster; and the electors of the said counties of Washington and Warren shall give their votes for the said five members of Assembly in the same manner as if the said county of Warren was part of the said county of Washington; and the electors of the said counties of Clinton and Franklin shall give their votes for the said one member of Assembly in the same manner as if the said county of Franklin was part of the said county of Clinton; and the electors of the said counties of Steuben and Allegany shall also give their votes for the said two members of Assembly in the same manner as if the said county of Allegany was part of the said county of Steuben; and the electors of the said counties of Niagara, Chautauque and Cattaraugus shall give their votes for the said two members of Assembly in the same manner as if the said counties of Chautauque and Cattaraugus were part of the said county of Niagara: And the clerks of the respective counties of Sullivan, Warren, Franklin, Allegany, Chautauque, and Cattaraugus, shall, within fourteen days after the time appointed for the inspectors of the several towns in the counties respectively, for delivering to them the certificates of the number of votes given in such towns for each candidate for the Assembly, deliver, or by a sworn deputy cause the said certificates to be delivered, at the clerk's office of the said counties of Ulster, Washington, Clinton, Steuben and Niagara, to the clerks of the said counties respectively, who shall calculate the same, together with the votes given in their respective counties, within ten days after the time

hereby limited for the delivery of the certificates aforesaid, and shall then, from the whole of the certificates delivered to him, determine the persons duly elected by the greatest number of votes, as members of Assembly for the said counties of Washington and Warren, of Ulster and Sullivan, of Clinton and Franklin, of Steuben and Allegany, and of Niagara, Cattaraugus and Chautauque, respectively, and shall proceed therein as is directed by the act for regulating elections.

RULES

FOR CONDUCTING BUSINESS

IN

THE SENATE OF THE UNITED STATES.

I. THE President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall have been made in the entries.

2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in any debate.

3. Every member when he speaks shall address the chair, standing in his place, and when he has finished shall sit down.

4. No member shall speak more than twice in any one debate on the same day, without leave of the Senate.

5. When two members rise at the same time, the President shall name the person to speak; but in all cases, the member first rising shall speak first.

6. No motion shall be debated until the same shall be seconded.

7. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the president or any member, delivered in at the table, and read by the President, before the same shall be debated.

8. While a question is before the Senate, no motion shall be received unless for an amendment, for postponing the question, or to commit it, or to adjourn: and the motion for adjournment shall always be in order, and decided without debate.

9. If the question in debate contain several points, any member may have the same divided.

10. When the yeas and nays shall be called for by one fifth of the members present, each member called upon, shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

11. One day's notice at least, shall be given of an intended motion for leave to bring in a bill.

12. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise: and all resolutions, to which a concurrence of the House of Representative is requisite, or which may grant money out of the contingent, or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them in the Senate, in a similar manner with bills.

13. No bill shall be committed or amended until it shall have been twice read, after which, it may be referred to a committee.

14. All committees shall be appointed by ballot, and a plurality of votes shall make a choice. But when any subject or matter shall have been referred to a select committee, any other subject or matter of a similar nature, may, on motion, be referred to such committee.

15. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; but if there be a doubt in his mind, he may call for the sense of the Senate.

16. If a member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

17. When a blank is to be filled, and different sums shall be proposed, the question shall be taken on the highest sum first.

18. No member shall absent himself from the service of the Senate, without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorised to send the sergeant-at-arms, or any other person or persons by them authorised, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient; and in that case the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

19. All bills on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in a committee of the whole, before they shall be taken up and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered. And in the absence of the Vice-President, when the Senate consider a treaty, bill, or resolution, as if they were in committee of the whole, the President *pro tempore* may call a member to fill the chair, during the time the Senate shall remain in committee of the whole; which chairman, is hereby vested, during said time, will all the powers of the President *pro tempore*, were he to remain in the chair.

20. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made, by the introducer.

21. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote, shall be in order, after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of possession of the Senate, nor after *the usual message* shall have been sent from the Senate,

announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day in which the vote was taken, or within the three next days of actual session of the Senate thereafter.

22. At the commencement of each session, a committee consisting of three members shall be appointed, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of possession of the Senate, and to make report that they are correctly engrossed; which report shall be entered on the journal.

23. Every vote of the Senate shall be entered on the journals, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, be also inserted on the journals.

24. The proceedings of the Senate, when they shall act in their executive capacity, shall be kept in separate and distinct books.

25. The proceedings of the Senate, when not acting as in a committee of the whole, shall be entered on the journals, as concisely as possible, care being taken to detail a true and accurate account of the proceedings.

26. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

27. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and during the discussion of such motion, the doors shall remain shut.

28. No motion shall be deemed in order to admit any person or persons whatsoever, within the doors of the Senate chamber, to present any petition, memorial, or address, or to hear any such read.

29. Messages shall be sent to the House of Representatives by the secretary, who shall previously endorse the final determination of the Senate thereon.

30. Messages sent from the House of Representatives by their clerk, shall be received at the bar by the secretary, and by him delivered to the President of the Senate.

31. When the Senate are equally divided, the secretary shall take the decision of the President.

32. Extracts from the executive record are not to be furnished but by special order.

33. All bills, after the first reading, shall be printed for the use of the Senate.

34. When nominations shall be made in writing, by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. When the President of the United States shall meet the Senate in the Senate chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The secretary of the Senate shall also attend, to take the minutes of the Senate.

35. All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States, and the Senators shall signify their assent or dissent, by answering *viva voce*, yea or no.

36. All confidential communications made by the President of the United States to the Senate, shall be by the members thereof, kept inviolably secret; and all treaties which may hereafter be laid before the Senate, shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

37. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only; when no motion to reject, ratify, or modify the whole, or any part, shall be received. Its second reading shall be for consideration, and on a subsequent day, when it shall be taken up as in committee of the whole, and every one shall be free to move a question on any particular article, in this form, "Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or leaving out words; in which *last case*, the question shall be, "Shall these words stand

as part of the article ?" And in every of the said cases, the concurrence of two thirds of the Senaters present, shall be requisite to decide affirmatively. And when through the whole, the proceedings shall be stated to the House, and questions be again severally put thereon for confirmation, or new ones proposed, requiring in like manner, a concurrence of two thirds for whatever is retained or inserted; the vote so confirmed, shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided; and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case the question shall be, "Shall these words stand part of the resolution ?" And in both cases, the concurrence of two thirds shall be requisite to carry the affirmative, as well as on the final question to advise and consent to the ratification in the form agreed to.

38. When any question may have been decided by the Senate, in which two thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

39. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are calling.

40. When an amendment to be proposed to the constitution is under consideration, the concurrence of two thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

41. The final question upon the second reading of every bill, resolution, constitutional amendment or motion, originating in the Senate, and requiring three readings previous to its being passed, shall be, " Whether it shall be engrossed and read a third time ?" And no amendment shall be received for discussion, at the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in

order before the final passage of any such bill, resolution, constitutional amendment or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put.

42. At the commencement of every session, a committee of three members shall be appointed, whose duty it shall be, to audit and controul the contingent expenses of the Senate.

RULES AND ORDERS

FOR CONDUCTING BUSINESS

IN THE

HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES.

TOUCHING THE DUTY OF THE SPEAKER.

HE shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

He shall preserve decorum and order; may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members. On which appeal, no member shall speak more than once, unless by leave of the House.

He shall rise to put a question, but may state it sitting.

Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye," and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative, which being reported, he shall then name wo others, one from each side, to

tell those in the negative, which being also reported, he shall rise and state the decision to the House.

The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the hall. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if upon such ballot, the number required shall not be elected, by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete the committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

In all other cases of ballot, than for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained.

In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not vote unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

In all cases where other than members of the House may be eligible to any office by the election of the House, there shall be a previous nomination.

All acts, addresses and joint resolutions, shall be signed by the Speaker; and all writs, warrants or subpoenas, issued by order of the House, shall be under his hand and seal, attested by the clerk.

In cases of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the committee of the whole House) shall have power to order the same to be cleared.

No person, except members of the Senate, their secretary, heads of departments, the treasurer, comptroller, register, auditor, post master general, President's secretary, *chaplains to* Congress, judges of the United States, foreign

ministers and their secretaries, and such gentlemen as have been members of either branch of the legislature, shall be admitted within the hall of the House of Representatives.

Stenographers wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

ORDER OF BUSINESS OF THE DAY.

AS soon as the journal is read, the Speaker shall call for petitions from the members of each state, and delegates from each territory, beginning with New-Hampshire; and if, on any day, the whole of the states and territories shall not be called, the Speaker shall begin on the next day, where he left off the previous day.

The petitions having been presented and disposed of, reports, first from the standing, and then from the select committees, shall be called for and disposed of.

The above business shall be done at no other part of the day, except by permission of the House.

OF DECORUM AND DEBATE.

WHEN any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to Mr. Speaker; and shall confine himself to the question under debate, and avoid personality.

If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order, shall immediately sit down, unless permitted to explain, and the House shall, if applied to, decide on the case, but without debate; if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

No member shall speak more than twice to the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

Whilst the Speaker is putting any question, or addressing the House, none shall walk out of, or across the House; nor in such case, or when a member is speaking, shall entertain private discourse, nor whilst a member is speaking, shall pass between him and the chair.

No member shall vote on any question in the event of which he is immediately and particularly interested; or in any case where he was not present when the question was put. Upon a division and count of the House on any question, no member without the bar shall be counted.

Every member who shall be in the House when the question is put, shall give his vote, unless the House for special reasons shall excuse him.

When a motion is made and seconded, it shall be stated by the Speaker, or being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

Every motion shall be reduced to writing if the Speaker or any member desire it.

After a motion is stated by the Speaker, or read by the clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone indefinitely, to postpone to a day certain, to commit or amend, which several motions shall have precedence in the order they stand arranged.

A motion to adjourn shall be always in order, and shall be decided without debate.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by one fifth of the members present:*

* The following amendment has been made to this rule: "*Resolved*, That the standing rules and orders be so amended, that a majority of those present shall be required to admit the *previous question*."

sed until it is decided, shall preclude all amendment and further debate of the main question.

On a previous question there shall be no debate.

When a question is postponed indefinitely, the same shall not be acted upon again, during the session.

Any member may call for the division of a question, where the sense will admit of it; but a question to staike out and insert, shall be deemnd indivisible.

Motions and reports may be committed at the pleasure of the House.

No new motion or proposition shall be admitted, under color of amendment, as a substitute for the motion or proposition under debate.

When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or the succeeding day.

When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.

If a question depending is lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

Every order, resolution or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

Petitions, memorials and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief stetement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, un-

less where the House shall direct otherwise; but shall lie on the table, to be taken up in the order they were read.

Any fifteen members (including the Speaker if there be one) shall be authorised to compel the attendance of absent members.

Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

No member shall absent himself from the service of the House, unless he have leave, or be sick and unable to attend.

Upon a call of the House, the names of the members shall be called over by the clerk, and the absentees noted; after which, the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with, or without paying fees: and in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

A sergeant at arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sitting; to execute the commands of the House, from time to time, together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

The fees of the sergeant at arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses of himself or a special messenger, going and returning, one tenth *of a dollar* per mile.

Nine standing committees shall be appointed at the commencement of each session, viz:

A committee of elections, A committee of ways and means, A committee of claims, A committee of commerce and manufactures, A committee on the public lands, A committee on the post-office and post roads, A committee for the district of Columbia.	To consist of seven members each.
A committee of revisal and unfinished business, and A committee of accounts,	To consist of three members each.

It shall be the duty of the said committee of elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented, or come in question, and be referred to them by the House.

It shall be the duty of the said committee of ways and means to take into consideration all such reports of the treasury department, and all such propositions relative to the revenue as may bo referred to them by the House; to inquire into the state of the public debt; of the revenue and of the expenditures, and to report, from time to time, their opinion thereon; to examine into the state of the several public departments, and particularly into the laws making appropriations of monies, and to report whether the monies have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.

It shall be the duty of the said committee of claims to take into consideration all such petitions and matters or things touching claims and demands on the United States, as shall be presented, or shall or may come in question, and be re-

ferred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein, as to them shall seem expedient.

It shall be the duty of the said committee of commerce and manufactures to take into consideration all such petitions and matters or things touching the commerce and manufactures of the United States, as shall be presented, or shall or may come into question and be referred to them by the House, and to report, from time to time, their opinion thereon.

It shall be the duty of the said committee on the public lands, to take into consideration all such petitions and matters or things respecting the lands of the United States, as shall be presented, or shall or may come in question and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein, as to them shall seem expedient.

It shall be the duty of the committee on the post-office and post-roads to take into consideration all such petitions and matters or things, touching the post-office and post-roads, as shall be presented, or may come in question and be referred to them by the House, and to report their opinion thereupon, together with such propositions relative thereto, as to them shall seem expedient.

It shall be the duty of the committee for the district of Columbia to take into consideration all such petitions, matters or things touching the said district, as shall be presented, or shall come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions relative thereto, as to them shall seem expedient

It shall be the duty of the said committee of revisal and unfinished business to examine and report what laws have expired, or are near expiring, and require to be revived or further continued; also to examine and report, from the journal of the last session, all such matters as were then depending and undetermined.

It shall be the duty of the said committee of accounts to superintend and control the expenditure of the contingent fund of the House of Representatives, and to audit and set-

tle all accounts which may be charged thereon; and also to audit the accounts of the members for their travel to and from the seat of government, and their attendance in the House.

No committee shall sit during the sitting of the House, without special leave.

The clerk of the House shall take an oath for the true and faithful discharge of the duties of his office to the best of his knowledge and abilities, and shall be deemed to continue in office, until another be appointed.

It shall be the duty of the clerk of the House, at the end of each session, to send a printed copy of the journals thereof to the executive, and to each branch of the legislature of every state.

All questions of order shall be noted by the clerk, with the decision, and put together at the end of the journal of every session.

The clerk shall take care that, once a week, all the books provided for the use of the House shall be placed in order, according to some fixed arrangement, and make report to the Speaker of such books as are missing.

Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, clerk, sergeant at-arms and door-keeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

The sergeant at arms and the door-keeper shall be sworn to keep the secrets of the House.

All questions relating to the priority of business to be acted on, shall be decided without debate.

OF BILLS.

EVERY bill shall be introduced by motion for leave, or by an order of the House, on the report of a committee; and in either case, a committee to prepare the same shall be appointed.—In cases of a general nature, one day's notice, at least, shall be given of the motion to bring in a bill: and every such motion may be committed.

Every bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

The first reading of a bill shall be for information, and if opposition be made to it, the question shall be "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

Upon the second reading of a bill, the Speaker shall state it as ready for commitment, or engrossment; and if committed, then a question shall be, whether to a select or standing committee of the whole House; if to a committee of the whole House, the House shall determine on what day—But if the bill be ordered to be engrossed, the House shall appoint the day, when it shall be read the third time.

After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

All bills ordered to be engrossed shall be executed in a fair round hand.

When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

OF COMMITTEES OF THE WHOLE HOUSE.

IT shall be a standing order of the day, throughout the session, for the House to resolve itself into a committee of the whole House on the state of the union.

In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

All amendments made to a report committed to a committee of the whole House, shall be noted and reported in the case of bills.

All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved; except that in filling up blanks, the largest sum, and longest time shall be first put.

No motion or proposition for a tax, or charge upon the people, shall be discussed the day in which it is made or offered, and every such proposition shall receive its first discussion in a committee of the whole House.

No sum or quantum of tax or duty, voted by a committee of the whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole House; and so in respect to the time of its continuance.

All proceedings, touching appropriations of money, shall be first discussed in a committee of the whole House.

The rule of proceeding in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor.

It shall be in order for the committee on enrolled bills, to report at any time.

JOINT RULES AND ORDERS OF THE TWO HOUSES.

IN every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their chairman, meet in the conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the chair by the person by whom it may be sent.

The same ceremony shall be observed, when a message shall be sent from the House of Representatives to the Senate.

Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the secretary or clerk of each House respectively.

After a bill shall have passed both Houses, it shall be enrolled on parchment by the clerk of the House of Representatives, or the secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

When bills are enrolled, they shall be examined by a joint committee of one from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House *of Representatives*, then by the President of the Senate.

After a bill shall have been thus signed in each House, it shall be presented by the said committee to the President of the United States, for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the secretary or clerk (as the case may be) of the House in which the same did originate, and shall be entered on the journal of each House. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the journal of each House.

All orders, resolutions and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same committee, as provided in case of bills.

When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

RULES

OF THE

COURT FOR THE TRIAL OF IMPEACHMENTS,

AND THE

Correction of Errors.

TOGETHER WITH

Sundry other useful Information.

COLLECTED AND PUBLISHED BY

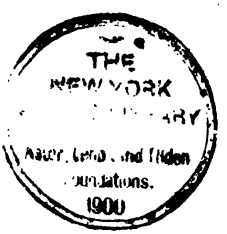
AARON CLARK.

ALBANY:

PRINTED BY PACKARD & VAN BENTHUYSEN.

[*Copy-Right Secured.*]

1818.



16529

REMARKS.

On the 11th of February, 1794, in the Court for the Trial of Impeachments and the Correction of Errors, it was ORDERED, That Mr. Chancellor Livingston, Mr. Justice Lansing, and Mr. Senator Jones, be and they are hereby appointed a committee to revise the rules for regulating the proceedings of this Court, and to report the same to the Court. On the 9th of February, 1795, Mr. Justice Benson was added to the same committee.

On the 4th of March, 1799, this committee was dismissed, and Mr. Justice Lansing, and Mr. Justice Benson, and Mr. Senator Jones, were appointed in their stead, for the like service.

Neither committee made any report. Subsequently a committee was appointed, but to no effect.

I was solicited to collect and publish all the Rules of the Court of Errors. I have done so. Much of the other matter contained herein, has been obtained by much exertion, and the whole is published from no desire but that of being useful to my fellow citizens.

AARON CLARK.

Albany, May, 1818.

RULES

OF THE COURT FOR THE TRIAL OF

IMPEACHMENTS,

AND THE

CORRECTION OF ERRORS.

From the 13*th February*, 1786, *to January*, 1818.

The five first following Rules were adopted by the Court on the 13*th February*, 1786.

First.—ORDERED, That the plaintiff in all writs, after the same and the records be brought in, shall speedily repair to the clerk of this court, and prosecute the writs of error, and shall assign their errors within eight days, after the bringing in of such writs, with the records; and if the plaintiff makes default so to do, then the said clerk, if the defendant in such writs require it, shall record that the plaintiff hath not prosecuted his writ of error, and that the court doth therefore award, That such plaintiff shall lose his writ, and that the defendant shall go without day, and that the record be remitted.

Second.—ORDERED, That if any plaintiff in any writ of error shall allege diminution and pray a certiorari, the clerk shall enter an award thereof accordingly, and the

plaintiff may, before *in nullo est erratum* pleaded, sue forth the writ of certiorari in ordinary course, without special petition or motion to this court for the same, and if he shall not prosecute such writ, and procure it to be returned within ten days next after his plea of diminution put into this court, then, unless he shall shew some good cause to this court for the enlarging of the time for the return of such writ, he shall lose the benefit of the same, and the defendant in the writ of error may proceed as if no such plea of diminution had been put in, or no such writ of certiorari were awarded.

Third.—ORDERED, (upon consideration of the great inconveniences which may arise by motions and petitions for putting off causes after days have been appointed for hearing thereof) That when a day shall be appointed for the hearing of any cause, appeal, or writ of error argued in this court, the same shall not be altered but upon petition, and that no petition shall in such case be received unless two days notice thereof be given to the adverse party, of which notice oath shall be made at the bar of this court.

Fourth.—ORDERED, That in all cases upon writs of error depending in this court, when diminution shall be at any time alleged, and a certiorari prayed and awarded, before *in nullo est erratum* pleaded, the clerk of this court shall, upon request to him made, give a certificate that diminution is so alleged, and a certiorari prayed and awarded thereupon.

Fifth.—ORDERED, That at the hearing of causes on appeal, one of the counsel for the appellant shall open the

cause, then the evidence on the side of the appellant shall be read, which done, the other counsel for the appellant may make observations on the evidence; then one of the counsel for the respondent shall be heard, and the evidence on the side of the respondent shall be read, after which the other counsel for the respondent shall be heard, and one counsel only for the appellant to reply.

FEBRUARY 20th, 1786.

Sixth.—ORDERED, That, in cases not already provided for, the practice of this court shall be similar to the practice of the court of exchequer chamber in England, and that on appeals it shall be conformable to that of the house of lords in England, when sitting as a court of appeals, until further order.

MARCH 27th, 1786.

Seventh.—ORDERED, That upon the president taking the question for determining a cause in this court, he shall begin with the junior justice of the supreme court then present, and proceed in rotation to the chief justice and the chancellor, and then to the senators indiscriminately.

MARCH 19th, 1787.

Eighth.—ORDERED, That the plaintiff in all writs shall for the future assign their errors within seven days after the bringing in of such writs with the records.

Ninth.—ORDERED, That the clerk of this court be allowed the same travelling fees as are or may be allow-

ed to the clerk of the circuit court, on every writ brought for trial.*

FEBRUARY 3d, 1792.

On motion of Mr. Senator JONES,

ORDERED, That in future, upon all appeals the pleadings and decree annexed together as they are directed to be by law, and the exhibits and proofs in the cause, shall be brought into Court, and delivered to the clerk of this court at the same time the petition of appeal is presented.

And it is further ORDERED, That petitions of appeal instead of reciting the pleadings at large, shall only recite the decree, or such part of it as is appealed from, and set forth the reasons of such appeal, and only refer to such of the pleadings *and proofs in the cause as it may be necessary to mention.*†

FEBRUARY 4th, 1792.

On motion of Mr. Senator JONES,

IT IS ORDERED, That previous to any argument of counsel upon any appeal or writ of error, a brief state of the case of each party, as it appears on the pleadings and exhibits, shall be delivered to the court, signed by their respective counsel, who are to argue the cause.

---

* This rule cannot be found on record in any of the minutes of the court, tho' printed as rule 9, in Gould's copy of the rules have examined critically. It is not in the minutes.

† This rule is entirely omitted in Gould's copy of the rules.

FEBRUARY 6, 1792.

Mr. Senator JONES moved the court to determine the following question, viz. Whether the chancellor is to be considered as a judge of this court upon the hearing of an appeal from the court of chancery; and whether the judges of the supreme court are to be considered as judges of this court in cases of judgments removed from that court by writs of error? Mr. President put the question, and it passed in the negative, 15 to 3.

Mr. Senator JONES further moved the court to adopt the following order, and it was carried in the affirmative, 10 to 8.

Thereupon ORDERED, That in all cases of error and appeals brought into this court, the judges, in cases of writs of error, and the chancellor, in cases of appeal, shall give the reasons for their judgments or decree, immediately after the reading of the record or decree, and before any counsel in the cause is heard.*

FEBRUARY 11th, 1793.

On motion of Mr. Chancellor LIVINGSTON, the court adopted the following order.

ORDERED, That ten days, at least, previous to every hearing on appeal, the counsel for the appellant and respondent shall deliver abstracts of the bill, answer plead-

---

* Repealed 25th February, 1793. Revived 26th February, 1794.

ings and evidence produced at the hearing in the court of equity, signed by them mutually, to the president of the senate, for the use of the senate, and to the chancellor and each of the judges of the supreme court.—And that in like manner, ten days previous to any hearing on a writ of error, paper books be delivered to the same persons, together with a note of the errors assigned, signed by the counsel for the plaintiff and defendant in error: That the above papers be furnished by the plaintiff in error or appellant, to the president, chancellor, chief justice, and one of the puisne judges, and by the respondent or defendant in error, to the other judges.

FEBRUARY 25th, 1793.

Mr. Chancellor LIVINGSTON made a motion, that the court would adopt the following as a standing rule of this court, viz.

RESOLVED, That the chancellor and judges of the supreme court, are at all times to be considered as constituent members of the court for the trial of impeachments and the correction of errors, and that it is their duty to attend on every sitting of the court, and to debate every question that may be under consideration, except when suspended by impeachment. *Provided nevertheless*, That when a decree in equity shall be heard, the chancellor shall not have a voice on the final sentence; and that if the cause be brought up by writ of error on a question of law on a judgment of the supreme court, the judges of such court shall not have a voice for the affirmance or reversal of such judgment.

The question was put by the president, whether the court would agree to the same, and it passed in the negative, 15 to 3.

The court thereupon adopted the following resolutions.

Resolved, That when an appeal from any decree of the chancellor shall be heard in this court, the chancellor may state his opinion upon every matter that shall arise on such hearing, but shall not have a voice in the decision of the court on any question whatever arising on such appeal. And that when a cause shall be brought into this court, by a writ of error, on the question of law in a judgment of the supreme court, the judges of such court may severally state their opinions upon every matter that may arise on such hearing, but shall not have a voice in the decision of the court on any question whatever arising on the cause so brought into this court.

March 12th, 1798.

It is hereby ordered, That in all cases where the defendant in error, or respondent, shall not have entered an appearance, by attorney or solicitor, all rules and notices shall be served on the defendant in person.

March 7th, 1801.

Ordered, That the fifth rule be extended to cases in error, so that no more than two counsel shall open on the part of the plaintiff, or answer on the part of the defendant, and only one counsel shall reply or close, on the part of the plaintiff.

MARCH 7th, 1817.

IT IS ORDERED, That hereafter, it shall be the duty of the appellant or plaintiff in error, in this court, to deliver a copy of the opinion of the chancellor, or supreme court, to each member, as an appendix to his case, previous to the argument thereof, except where such opinion has been previously published by the reporter.

LIST

OF

Attornies and Counsellors at Law,

IN THE

STATE OF NEW-YORK.

ALBANY COUNTY.

NAMES.	RESIDENCE.	DEGREE.
John F. Bacon,	Albany,	Attorney.
Harmanus Bleecker,	,,	Attor. & Coun.
Thomas Atwood Bridgen,	,,	Attorney.
Joseph Brigham,	,,	Attorney, m. c.
Benjamin F. Butler,	,,	Attorney.
Henry Chester,	,,	,,
Aaron Clark,	,,	Attor. & Coun.
Henry B. Davis,	,,	,,
Garret V. Denniston,	,,	Attorney.
James Dexter,	,,	,,
William A. Duer,	,,	Attor. & Coun.
Welcome Esleck,	,,	Attorney.
John I. Evertsen,	,,	,,
Samuel A. Foot,	,,	Attor. & Coun.
Peter Gansevoort,	,,	,,
William Hale,	,,	,,
Gideon Hawley,	,,	,,
John V. Henry,	,,	,,
Estes Howe,	,,	Counsellor, s. c.
Jesse Hoyt,	,,	Attorney, c. p.
Ebenezer Baldwin, jun.	,,	Attor. & Coun.
Henry T. Jones,	,,	,,
James King,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
James L'Amoreaux,	Albany.	Attor. & Coun.
Garret Y. Lansing,	,,	,,
Jacob I. Lansing,	,,	Attorney.
David Hosford,	,,	Attor. & Coun.
Henry Loucks,	,,	,,
John E. Lovett,	,,	Attorney.
Samuel S. Lush,	,,	Attor. & Coun.
James M'Kown,	,,	,,
Horace Merchant,	,,	Attorney.
John I. Ostrander,	,,	Attor. & Coun.
Philip S. Parker,	,,	,,
Calvin Pepper,	,,	Attorney, c. p.
Philip Phelps,	,,	Attorney.
Nich. N. Quackenbush,	,,	,,
Isaac A. Quackenbush,	,,	,,
Christian Sackrider,	,,	Attor. & Coun.
Sanders Lansing,	,,	,,
Theodore Sedgwick,	,,	Attorney.
Nicholas Hansen,	,,	Attor. & Coun.
James Stevenson,	,,	,,
Jacob Sutherland	,,	,,
John B. Staats,	,,	Attorney.
Absalom Townsend,	,,	Attor. & Coun.
Martin Van Beuren,	,,	,,
John S. Van Rensselaer,	,,	,,
Abraham Van Vechten,	,,	,,
Teunis Van Vechten,	,,	,,
D. L. Vander Heyden,	,,	,,
Sebastian Visscher,	,,	,,
David Osborn,	,,	Attorney, c. p.
Hermanus Wendell, jun.	,,	Attorney.
Rensselaer Westerlo,	,,	Attor. & Coun.
John Woodworth,	,,	,,
John V. N. Yates,	,,	,,
—— Jenkins,	Renssel'rville	Attorney.
Henry Stone,	Bern,	,,
Isaac Hempsted,	Albany,	Sheriff.
George Merchant,	,,	Clerk.

NAMES.	RESIDENCE.	DEGREE.
Apollos Moore,	Renssel'rville	First Judge.
Philip S. Parker,	Albany,	Recorder.
Christopher C. Yates,	,,	Surrogate.
ALLEGANY.		
Timothy H. Porter,	Angelica,	Attorney.
Alvah Burr,	,,	Attorney, c. p.
T. T. Caswell,	,,	,,
Jedediah Nobles,	Caneadea,	Sheriff.
Amos Peabody,	Angelica,	Clerk.
BROOME.		
John A. Collier,	Binghampton	Attor. & Coun.
Thomas G. Waterman,	,,	,,
Mason Whiting,	,,	,,
Horace Williston,	,,	,,
Eleazer Dana,	Owego vil.	Attorney.
Latham A. Burrows,	,,	,,
William Chamberlin,	Chenango.	Sheriff.
Ammi Doubleday,	Binghampton	Clerk.
CATTARAUGUS.		
David Higgins, jun.	Olean.	Attorney, c. p.
Israel Curtiss,		Sheriff.
Sands Bouton,		Clerk.
CAYUGA.		
Joseph L. Richardson,	Auburn,	Attor. & Coun.
Daniel K. Jones,	,,	,,
John W. Hurlburt,	,,	,,
John H. Beach,	,,	,,
William Brown,	,,	,,
Ebenezer Hoskins,	,,	,,
Enos T. Throop,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
George W. Throop,	Auburn,	Attorney.
Samuel W. Lockwood,	,,	,,
John Porter,	,,	,,
George W. Warner,	,,	,,
Thomas Mumford,	Aurelius,	,,
Reuben S. Morris,	,,	,,
Gershom Powers,	Aurora,	,,
Moses Sawyer,	,,	,,
William Sisson,	,,	Attor. & Coun.
Eleazer Burnham,	,,	,,
Glen Cuyler,	,,	Attorney.
Dewitt Shepard,	,,	,,
William Price,	Owasco,	,,
Jonathan Hussey,	Sempronius,	,,
Nathaniel Garrow,	Auburn.	Sheriff.
Enos T. Throop,	,,	Clerk.
CHATAUQUE.		
James Mullett,	Fredonia,	Attorney.
Lemon Averill,	,,	,,
Anselm Potter,	,,	,,
J. Houghton,	,,	,,
D. G. Garnsey,	,,	,,
Jonathan Sprague,	,,	Sheriff.
John Dexter,	,,	Clerk.
CHENANGO.		
Stephen O. Runyan,	Oxford,	Attor. & Coun.
Henry Vander Lyn,	,,	,,
James Clapp,	,,	,,
Simon G. Throop,	,,	,,
John Tracy,	,,	,,
James Birdsall,	Norwich,	,,
Nathan Chamberlin,	,,	,,
David Buttolph,	,,	,,
Peter B. Garnsey,	,,	,,
Lot Clark,	,,	Attorney.
Simeon S. Emmons,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
Willard Welton,	Sherburne,	Attor. & Coun.
Lyman S. Rexford,	,,	Attorney.
Noah Ely,	New Berlin,	,,
John Hyde,	,,	,,
John C. Clark,	Bainbridge,	,,
David Prentice,	,,	,,
Robert Monell,	Greene,	Attor. & Coun.
Samuel Campbell,	Norwich,	Sheriff.
David G. Bright,	,,	Clerk.
CLINTON.		
John Palmer	Plattsburgh,	Attor. & Coun.
Reuben H. Walworth,	,,	,,
Gilead Sperry,	,,	,,
William Sweetland,	,,	,,
John Lynde,	,,	Attorney.
John Warford,	,,	,,
Eleazer Miller,	,,	,,
Anson I. Sperry,	,,	Attorney, c. p.
Silas Hubbel,	Champlain,	,,
Julius C. Hubbel,	Chazy,	,,
Elisha Button,	Plattsburgh,	Sheriff.
Charles Platt,	,,	Clerk.
COLUMBIA.		
Elisha Williams,	Hudson,	Attor. & Coun.
Ezekiel Gilbert,	,,	,,
Thomas Bay,	,,	,,
Joseph D. Monell,	,,	,,
James Strong,	,,	,,
Justus M'Kinstry,	,,	,,
Cornelius Miller,	,,	,,
Abraham A. Van Beuren,	,,	,,
William Darling,	,,	Attorney.
Austin Abbott,	,,	,,
Chester Ashley,	,,	,,
John B. Dexter,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
Peter Van Schaack,	Kinderhook.	Attor. & Coun.
James I. Van Alen,	,,	,,
James Van Derpool,	,,	,,
Francis Silvester,	,,	,,
Elisha Gridley,	,,	,,
Barent Gort,	,,	,,
Julius Wilcoxon,	,,	Attorney.
David Van Schaack, jun.	,,	,,
Abraham P. Holdridge,	Hillsdale,	,,
Thomas K. Baker,	,,	,,
Lansing King,	Canaan,	,,
Ebenezer F. Booge,	,,	,,
Killian Miller,	Livingston,	,,
Elisha Holly,	,,	,,
John Bay,	Claverack,	,,
Jacob R. Van Rensselaer,	,,	Attor. & Coun.
Herman Bay,	,,	,,
John King,	Hudson,	Sheriff.
Cornelius Miller,	,,	Clerk.
CORTLAND.		
Townsend Ross,	Homer vil.	Attor. & Coun.
Augustus Donnelly,	,,	,,
Edward C. Reed,	,,	Attorney.
Rufus Beach,	,,	,,
Samuel S. Baldwin,	Cortland vil.	Attor. & Coun.
Oliver Wiswell,	,,	Attorney.
Samuel Nelson,	,,	,,
Henry Stephens,	,,	,,
Roswell Randall,	,,	,,
Samuel M. Perkins,	,,	,,
Miles Dunbar,	Truxton,	,,
Barak Niles,	Cincinnatus,	,,
William Stewart,	Truxton,	Sheriff.
William Mallery,	Cortland vil.	Clerk.
DELAWARE.		
Erastus Root,	Delhi,	Attor. & Coun.

NAMES.	RESIDENCE.	DEGREE.
Samuel Sherwood,	Delhi,	Attor. & Coun.
Amasa Parker,	,,	,,
Charles A. Foote,	,,	,,
Ozias S. Decker,	,,	Attorney.
Amos Douglass,	Franklin,	Attor. & Coun.
William H. Elting,	,,	,,
Levinus Monson,	Waterville,	Attorney.
Abraham D. Smyth,	,,	,,
Clark H. Goodrich,	Stamford,	,,
John B. Spencer,	Kortright,	,,
David Phelps,	Colchester,	,,
William G. Townsend,	Walton,	,,
Benajah B. Phelps,	,,	Attorney, c. p.
Simon Lusk,	Tompkins,	,,
Jabez Bostwick,	Delhi,	Sheriff.
Asahel E. Paine,	,,	Clerk.
DUTCHESS.		
James Emott,	Po'keepsie,	Attor. & Coun.
Henry Swift,	,,	,,
Thomas J. Oakley,	,,	,,
John Brush,	,,	,,
James Tallmadge, jun.	,,	,,
George Bloom,	,,	,,
Randel S. Street,	,,	,,
Philo Ruggles,	,,	,,
James Hooker,	,,	,,
William W. Bogardus,	,,	,,
Jacob Van Ness,	,,	,,
Derick B. Stockholm,	,,	Attorney.
Alexander Forbus,	,,	,,
Hilen Rudd,	,,	,,
Jacob Weeks,	,,	,,
Jesse Oakley, jun.	,,	,,
Daniel N. Brooks,	,,	,,
Lawrence I. Van Kleeck,	,,	,,
David Brooks,	,,	,,
Maturin Livingston,	Staatsburgh,	Attor. & Coun.

NAMES.	RESIDENCE.	DEGREE.
Nathaniel Pendleton,	Hyde Park,	Attor. & Coun.
Tobias S. Decantillon,	,,	,,
Robert Tillotson,	Rhinebeck,	,,
Peter R. Livingston,	,,	,,
John O. Tillotson,	,,	,,
Francis A. Livingston,	,,	Attorney.
James Rathbun,	,,	,,
Archibald Smith,	,,	,,
Anthony Delamater,	,,	,,
Daniel C. Ver Plank,	Fishkill land.	Attor. & Coun.
Joseph I. Jackson,	Fishkill,	Attorney,
Abraham Bockee,	Amenia,	Attor. & Coun.
Joshua B. Sutherland,	,,	Attorney.
Abraham Per Lee,	,,	,,
Robert S. Livingston,	Redhook,	Counsellor.
John W. Wheeler,	,,	Attorney.
George A. Shufeldt,	,,	,,
Henry Lyle,	,,	,,
Edward Livingston,	,,	,,
Henry I. Traver,	Pine Plains,	,,
Charles Johnson,	,,	,,
Stephen Eno,	,,	,,
Samuel Baker,	Pleasant Val.	,,
William F. Hodges,	,,	,,
Milton Barlow,	Washington,	,,
Ebenezer Nye,	Dover,	,,
William Griffin,	Po'keepsie,	Sheriff.
Jacob Van Ness,	,,	Clerk.
ESSEX.		
Martin I. Aikin,	Willsboro,	Attorney.
Amos Bigelow,	Crown Point,	,,
John C. Thompson,	,,	Attor. & Coun.
Dean Edson,	Essex,	,,
Ralph Hascall,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
Henry A. Hawley,	Essex.	Attorney.
David B. M'Neil,	,,	,,
Henry H. Ross,	,,	Attor. & Coun.
Ezra C. Gross,	Elizabetht'n.	,,
Norman Nicholson,	,,	,,
Gardner Stow,	,,	,,
Lebbeus Hascall,	Ticonderoga,	,,
Henry S. Northrop,	,,	,,
Lemuel H. Wicker,	,,	,,
Luther Adgate,	Essex,	Sheriff.
Thomas Stower,	Willsboro,	Clerk.
FRANKLIN.		
Asa Hascall,	Malone,	Attor. & Coun.
Almon Wheeler,	,,	Attorney.
John H. Russell,	,,	,,
Jabez Parkhurst,	,,	Counsellor, c. p.
Charles H. Wheeler,	Ft. Covington,	Attorney, c. p.
Jonathan Wallace,	,,	,,
David Jones,	,,	,,
James Campbell,	Malone,	Sheriff.
Asa Wheeler,	,,	Clerk.
GENESEE.		
Daniel B. Brown,	Batavia,	Attor. & Coun.
Phineas L. Tracy,	,,	,,
Ethen B. Allen,	,,	,,
W. H. Leonard,	,,	,,
Richard Smith,	,,	Attorney, c. p.
John Baldwin,	Moscow,	,,
Samuel M. Hopkins,	,,	Attor. & Coun.
Felix Tracy,	,,	Attorney.
Mayhew Safford,	Warsaw,	,,
Heman I. Redfield,	Le Roy,	,,
Graham Newell,	,,	Attor. & Coun.
Willard H. Smith,	Caledonia.	,,

NAMES.	RESIDENCE.	DEGREE.
Archy B. Lawrence,	Ridgeway,	Attorney.
Francis Storm,	Murray,	,,
Enos Pomeroy,	Rochester,	,,
Hastings R. Bender,	,,	,,
Moses Chapin,	,,	,,
Joseph Spencer,	,,	,,
Roswell Babbit,	,,	Attorney.
John Mastick,	,,	,,
Parmenio, Adams,	Batavia,	Sheriff.
Simeon Cummings,	,,	Clerk.
GREENE.		
James Powers,	Catskill,	Attor. & Coun.
John Adams,	,,	,,
John V. D. S. Scott,	,,	,,
James Pinkney,	,,	,,
Jacob Van Orden,	,,	,,
Moses I. Cantine,	,,	,,
Robert Dorlon,	,,	Attorney.
Samuel Van Orden,	,,	,,
Charles E. Abeel,	,,	,,
Cornelius Dubois,	,,	,,
William Overbaugh,	,,	,,
William Frasier,	Athens,	Attor. & Coun.
Alexander Frasier,	,,	,,
George C. Hamilton,	,,	Attorney.
Dorance Kirtland,	Coxsackie,	Attor. & Coun.
Abraham Van Dyck,	,,	,,
John L. Bronk,	,,	,,
William T. B. Hermance,	,,	Attorney.
Erastus Barnes,	Cairo,	,,
Stoddard Smith,	Greenville,	Attor. & Coun.
Platt Adams,	Lexington,	Attorney.
Reuben Hosford,	Durham,	Attor. & Coun.
Jacob Haight,	Catskill,	Sheriff.
William V. Bergen,	,,	Clerk.

NAMES.	RESIDENCE.	DEGREE.
HERKIMER.		
Theodore H. Chapin,	Herkimer,	Attorney.
Dan Chapman,	,,	Attor. & Coun.
Simeon Ford,	,,	,,
Lauren Ford,	,,	,,
Aaron Hackley, jun.	,,	Attor. & Coun.
Michael Hoffman,	,,	,,
William Lappon,	,,	,,
Mathew Myers,	,,	,,
Gaylord G. Pinney,	,,	,,
William W. Dougherty,	Warren,	Attorney.
Peter P. Mesick,	,,	,,
George H. Feeter,	Little Falls,	,,
Jabez Fox,	,,	,,
William B. Goff,	Danube,	,,
Daniel Grant,	,,	,,
Joseph Herkimer,	,,	,,
James Macauley,	,,	,,
Henry Markle,	Manheim,	,,
Hiram Nolton,	Fairfield,	,,
Ralph Waterman,	Newport,	,,
Robert Shoemaker,	Germanflats,	Sheriff.
Walter Fish,	Herkimer,	Clerk.
JEFFERSON.		
Alfred Lothrop,	Champion,	Attor. & Coun.
Micah Sterling,	Watertown,	,,
Harlow Emerson,	,,	,,
Benjamin Skinner,	,,	,,
William D. Ford,	,,	,,
David W. Bucklin,	,,	,,
Egbert Ten Eyck,	,,	,,
John M. Canfield,	,,	Attorney.
Horatio Shumway,	,,	,,
George Smith,	,,	,,
Charles E. Clark,	,,	,,
Nathan Rathburn,	Brownville,	,,
Samuel C. Kanady,	Le Roy,	,,

NAMES.	RESIDENCE.	DEGREE.
John Cook,	Antwerp,	Attorney.
Amos Holton,	Houndsfield,	"
Elisha Camp,	"	"
Enoch Ely,	"	"
Justin Butterfield,	"	"
Benjamin Wright,	Adams,	"
J. P. Rossiter,	"	"
Lyman Munson,	"	"
Thomas C. Chittenden,	"	"
Daniel Wardwell,	Ellisburgh,	"
David J. Andrus,	"	Sheriff.
Benjamin Skinner,	Watertown,	Clerk.
KINGS.		
Charles I. Doughty,	Brooklyn,	Attorney.
James B. Clark,	"	"
John Wyckoff,	Flatbush,	Sheriff.
Abraham Wendover,	"	Clerk.
LEWIS.		
Baron S. Doty,	Martinsburgh	Attorney.
Barnabas Yale,	"	"
Russell Parish,	Lowville,	"
Isaac W. Bostwick,	"	"
Ela Collins,	"	Attor. & Coun.
Levi Adams,	Martinsburgh	Sheriff.
Edward Bancroft,	"	Clerk.
MADISON.		
Thomas H. Hubbard,	Hamilton,	Attor. & Coun.
Nathaniel King,	"	"
Perry G. Childs,	Cazenovia,	"
Charles Stebbins,	"	"
David B. Johnson,	"	"
Abraham D. Van Horn,	"	"
Nehemiah Huntington,	Smithfield,	"
John B. Yates,	Sullivan,	"
David Beecher,	"	"

NAMES.	RESIDENCE.	DEGREE.
ıın I. Hopkins,	Sullivan,	Attor. & Coun.
am K. Fuller,	,,	Attorney.
od S. Spencer,	Lenox,	Attor. & Coun.
n J. Spencer,	,,	,,
Yates,	,,	,,
Foote,	Hamilton,	Attorney.
Sloan,	Eaton,	,,
ham Payne,	Deruyter,	,,
ı Duirrel,	Cazenovia,	,,
D. Ledyard,	,,	,,
l Dearbourn,	,,	,,
ıas Beekman,	Smithfield,	,,
rd Rogers,	Madison,	,,
l Woods,	,,	,,
B. Sizer,	,,	C. & A. com. p.
Mattison,	Smithfield,	Sheriff.
M. Hurd,	Cazenovia,	Clerk.
IONTGOMERY.		
lon Cook,	Amsterd'm v.	Attorney.
us T. Reynolds,	,,	Attor. & Coun.
and Fish,	Charlestown,	,,
ılas Van Alstyne,	Canajoharie,	,,
d Conkling,	,,	,,
y F. Yates,	,,	Attorney.
y Frey,	Palatine,	Attor. & Coun.
s Cochran,	,,	,,
rick Fox,	,,	Attorney.
y A. Oothoudt,	Northampton,	Attor. & Coun.
H. Bostwick,	,,	Attorney.
Frothingham,	Broadalbin,	,,
l Cady,	Johnstown,	Attor. & Coun.
ham Morrel,	,,	,,
Brooks,	,,	,,
ı Haring,	,,	,,
W. Cady,	,,	,,
ımin Chamberlain,	,,	,,
Morrel,	,,	Attorney.

NAMES.	RESIDENCE.	DEGREE.
Daniel Paris,	Johnstown,	Attor. & Coun.
William I. Dodge,	,,	,,
Benjamin Van Vechten,	,,	Attorney, c. p.
John Holland,	,,	Sheriff.
John M'Cartee,	,,	Clerk.
NEW-YORK.		
Josiah Ogden Hoffman,	New-York,	Attor. & Coun.
Samuel Jones, jun.	,,	,,
Joseph Strong,	,,	,,
Charles I. Richardson,	,,	,,
Francis Arden,	,,	,,
Caleb S. Riggs,	,,	,,
Samuel Boyd,	,,	,,
Isaac L. Kip,	,,	,,
Martin S. Wilkins,,	,,	,,
John Wells,	,,	,,
Abraham S. Smith,	,,	,,
Robert Bogardus,	,,	,,
William Johnson,	,,	,,
John G. Bogert,	,,	,,
Charles Baldwin,	,,	,,
Richard Riker.	,,	,,
William Bleecker,	,,	,,
Roger Strong,	,,	,,
William Cutting,	,,	,,
Anthony Bleecker,	,,	,,
Gabriel V. Ludlow,	,,	,,
John W. Mulligan,	,,	,,
Thomas L. Ogden,	,,	,,
Peter Hawes,	,,	,,
Benjamin Ferris,	,,	,,
Cornelius Bogart,	,,	,,
William L. Rose,	,,	,,
Jacob Radcliff,	,,	,,
John M'Kesson,	,,	,,
William Hosack,	,,	,,
David B. Ogden,	,,	Counsel. s. c.

NAMES.	RESIDENCE.	DEGREE.
Anthony Dey,	New-York.	Attor. & Coun.
Thomas Phoenix,	,,	,,
Peter A. Jay,	,,	,,
Silvanus Miller,	,,	,,
Nathan Sanford,	,,	,,
Beverly Robinson,	,,	,,
Isaac A. Van Hook,	,,	,,
Elisha W. King,	,,	,,
Andrew Raymond,	,,	,,
John Ferguson,	,,	,,
Adrian Hegeman,	,,	,,
Joseph D. Fay,	,,	,,
John T. Irving,	,,	,,
George Brinckerhoff,	,,	,,
Samuel Cowdrey,	,,	,,
Samuel Burritt,	,,	,,
Andrew S. Garr,	,,	,,
William Williams, jun.	,,	,,
John W. Patterson,	,,	,,
Pierre C. Van Wyck,	,,	,,
David S. Jones,	,,	,,
John Towt,	,,	,,
Edmund Elmendorf,	,,	,,
Isaiah Lenington,	,,	,,
John W. Wyman,	,,	,,
William Slosson,	,,	,,
William C. Mulligan,	,,	,,
William Keese,	,,	,,
Gabriel L. Cooper,	,,	,,
Edward W. Laight,	,,	,,
Robert Swanton,	,,	,,
David Codwise,	,,	,,
Josiah Hedden,	,,	,,
Peter De Witt,	,,	,,
Benjamin Tucker,	,,	,,
William Van Hook,	,,	,,
George Griffin,	,,	,,
Benjamin Anderson,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
John L. Lawrence,	New-York.	Attor. & Coun.
John Woodward,	,,	,,
Roswell W. Lewis,	,,	,,
Judah Hammond,	,,	,,
Oliver Waldron, jun.	,,	,,
Henry Meigs,	,,	,,
David Ross,	,,	,,
Peter Wilson, jun.	,,	,,
Jeremiah I. Drake,	,,	,,
John I. Sickles,	,,	,,
Charles I. Doughty,	,,	,,
William M. Price,	,,	,,
Resolvert Stephens,	,,	,,
Henry B. Hageman,	,,	,,
Charles Dickinson, jun.	,,	,,
David Gardiner,	,,	,,
William T. M'Coun,	,,	,,
Samuel Stevens,	,,	,,
Charles White, jun.	,,	,,
Abraham M. Griffin,	,,	,,
Luther Bradish,	,,	,,
William E. Dunscomb,	,,	,,
David Brush,	,,	,,
William Seaman,	,,	,,
Samuel M. Fitch,	,,	,,
George G. Roorbach,	,,	,,
Isaac M. Ely,	,,	,,
Samuel B. Romaine,	,,	,,
Egbert Benson, jun.	,,	,,
Elijah T. Pinckney,	,,	,,
Alexander Pike,	,,	,,
Anthony Woodward,	,,	,,
Esbon Slosson,	,,	,,
Joseph Delafield,	,,	,,
John L. Bogardus,	,,	,,
Effiingham Schieffelin,	,,	,,
Robert C. Ludlow,	,,	,,
James M'Keen,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
James Smith,	New-York.	Attor. & Coun.
Samuel Berrian,	,,	,,
Garret Corney,	,,	,,
J. A. Dunlap,	,,	,,
Edward M'Garaghan,	,,	,,
Peter T. Marselis,	,,	,,
Archibald M'Vickar,	,,	,,
William H. Maxwell,	,,	,,
John Van Riper, jun.	,,	,,
James Stoughton,	,,	,,
Michael Ulshoeffer,	,,	,,
Samuel W. Jones,	,,	,,
Charles Watts,	,,	,,
John Leveridge,	,,	,,
Henry Fisher,	,,	,,
Gurdon W. Lathrop,	,,	,,
John C. Hamilton,	,,	,,
Joseph Bulkley, jun.	,,	,,
Hugh Maxwell,	,,	,,
Henry H. Macomb,	,,	,,
Robert Emmett,	,,	,,
Anthony Barclay,	,,	,,
Joseph Greenleaf,	,,	,,
Murray Hoffman,	,,	,,
Peter W. Gale,	,,	,,
Gerardus Clark,	,,	,,
Samuel Harris,	,,	,,
Joseph W. Brackett,	,,	,,
Joseph C. Cooper,	,,	,,
Frederick Dibblee,	,,	,,
John Nitchie,	,,	,,
Samuel Hawkins,	,,	,,
Evert A. Bancker,	,,	,,
Henry H. Schieffelin,	,,	,,
Thomas Bolton,	,,	,,
Gabriel Winter,	,,	,,
George Wilson,	,,	,,
Elisha Morrill,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
Alpheus Sherman,	New-York.	Attor. & Coun.
Patrick G. Hildreth,	,,	,,
John A. Graham,	,,	,,
Robert Macomb,	,,	,,
James Campbell,	,,	,,
David Randell,	,,	,,
Nathaniel T. Moore,	,,	,,
Henry Laight,	,,	,,
Dominick T. Blake,	,,	,,
Ogden Edwards,	,,	,,
Robert Manning,	,,	,,
James Dill,	,,	,,
Judah Zuntz,	,,	,,
Samuel D. Craig,	,,	,,
George W. Strong,	,,	,,
Barent Gardenier,	,,	,,
Joshua L. Pell,	,,	,,
Benjamin, Clark,	,,	,,
Hay S. Mackay.	,,	,,
William A. Seely,	,,	,,
Beza E. Bliss,	,,	,,
John L. Riker,	,,	,,
John M. Read,	,,	,,
Richard Hatfield,	,,	,,
William A. Thompson,	,,	,,
Edward H. Pendleton,	,,	,,
John B. Scott,	,,	,,
Robert Sedgwick,	,,	,,
William N. Dyckman,	,,	,,
William S. Radcliff,	,,	,,
William W. M'Clelan,	,,	,,
Joseph Wallis, jun.	,,	,,
Egbert Benson,	,,	,,
Peter Ogilvie,	,,	,,
Aaron Burr,	,,	,,
Joseph Winter,	,,	,,
John M. D. Laurance,	,,	,,
Samuel Van Wyck,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
Charles Graham,	New-York.	Attor. & Coun.
Elbert Herring,	,,	,,
Derick Ten Broeck,	,,	,,
Cadwallader D. Colden,	,,	,,
Tunis Wortman,	,,	,,
Frederick Pentz, jun.	,,	,,
Henry J. Wilkes,	,,	,,
Aaron H. Palmer,	,,	,,
Charles G. Ferris,	,,	,,
Benjamin Haight,	,,	,,
Harman Westervelt,	,,	,,
Elias H. Ely,	,,	,,
Horace Holden,	,,	,,
Frederick A. Tallmadge,	,,	,,
James W. Gerard,	,,	,,
Jasper Lynch,	,,	,,
James A. Hamilton,	,,	,,
William Silliman,	,,	,,
George W. Niven,	,,	,,
Moses Simons,	,,	,,
Hiram Ketchum,	,,	,,
Harris Scovell,	,,	,,
Alexander Hamilton,	,,	,,
D. Rogers,	,,	,,
Henry W. Warner,	,,	,,
David Bacon,	,,	,,
Henry W. Channing,	,,	,,
Sterling Goodenow,	,,	,,
Levi H. Palmer,	,,	,,
Peter W. Radcliff.	,,	,,
George D. Cooper,	,,	,,
George Caines,	,,	,,
John B. Prevost,	,,	,,
Richard Harrison,	,,	,,
John Anthon,	,,	,,
Nathan B. Graham,	,,	,,
George F. Harrison,	,,	,,
John R. Scott,	,,	Counsel. s. c.

NAMES.	RESIDENCE.	DEGREE.
Henry Wheaton,	New-York.	Attor. & Coun.
Aaron Smith,	,,	Counsel. &. c.
Henry D. Sedgwick,	,,	,,
Peter Jay Munro,	,,	Attor. & Coun.
William W. Cowan,	,,	,,
William J. Lane,	,,	Attorney.
John M. Macdonald,	,,	,,
William Wiley,	,,	,,
Selah B. Strong,	,,	,,
Edward Wilkes,	,,	,,
George W. Morton,	,,	,,
John Hildreth,	,,	,,
James Lyons,	,,	,,
Samuel S. Gardiner,	,,	,,
Jacob Townsend,	,,	,,
Daniel S. Griswold,	,,	,,
Stephen Lush, jun.	,,	,,
Ezra L'Hommedieu,	,,	,,
John E. Rutledge,	,,	,,
Daniel Robert,	,,	,,
Robert L. Wilson,	,,	,,
M. C. Patterson,	,,	,,
Walter Whitaker,	,,	,,
John S. Mitchell,	,,	,,
Charles W. Sandford,	,,	,,
John Mann,	,,	,,
Stephen Cambreling,	,,	,,
William L. Morris,	,,	,,
James Tucker,	,,	,,
Robert Lawrence,	,,	,,
Frederick Lewis,	,,	,,
John H. Graham,	,,	,,
Francis R. Tillou,	,,	,,
Thomas W. Ludlow,	,,	,,
Ferris Pell,	,,	,,
William A. Coffey,	,,	,,
Richard I. Wells,	,,	,,
Stephen P. Lemoine,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
as C. Mitchell,	New-York.	Attorney.
Ward,	,,	,,
ny Rapallo,	,,	,,
s H. White,	,,	,,
as Wills, jun.	,,	,,
rst Wight,	,,	,,
I. Bowden,	,,	,,
as Fessenden,	,,	,,
L. Lane,	,,	,,
). C. Sampson,	,,	,,
H. Crosby,	,,	,,
V. Remsen,	,,	,,
e H. M'Whorter,	,,	,,
hy Hedges,	,,	,,
S. Woodhull,	,,	,,
R. Hedley,	,,	,,
M. Western,	,,	,,
Buckmaster,	,,	,,
m W. Boyd,	,,	,,
m P. Buffett,	,,	,,
Clark,	,,	,,
niel G. Pendleton,	,,	,,
d Livingston,	,,	,,
H. Hatch,	,,	,,
J. Pentz,	,,	,,
A. Sidell,	,,	,,
Barber,	,,	,,
l Lord, jun.	,,	,,
tus Floyd,	,,	,,
Averill,	,,	,,
an Kittridge,	,,	,,
L. Bell,	,,	Sheriff.
nin Ferris,	,,	Clerk.
llader D. Colden,	,,	Mayor.
NIAGARA.		
ldron,	Buffalo,	Attor. & Coun.
Root,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
H. B. Potter,	Buffalo,	Attorney.
Asa Rice,	,,	,,
A. H. Tracy,	,,	,,
J. E. Chaplin,	,,	,,
Charles G. Olmsted,	,,	,,
—— Sheldon,	,,	Attorney, c. p.
Jonas Harrison,	,,	,,
Beldin Slosson,	Williams v.	,,
—— Mason,	Hamburgh,	,,
Bates Cook,	Lewiston,	,,
William Hotchkiss,	,,	Attor. & Coun.
Z. H. Colvin,	,,	,,
James Cronk,	Buffalo,	Sheriff.
Frederick B. Merrill,	,,	Clerk.
ONEIDA.		
Nathan Williams,	Utica,	Attor. & Coun
Joseph Kirkland,	,,	,,
Erastus Clark,	,,	,,
Walter King,	,,	Attorney.
Abraham Varick,	,,	,,
William H. Maynard,	,,	,,
Henry Green,	,,	,,
David W. Childs,	,,	Attor. & Coun.
William H. Tisdale,	,,	Attorney.
Charles M. Lee,	,,	Attor. & Coun.
Thomas E. Clark,	,,	,,
Morris S. Miller,	,,	,,
Richard R. Lansing,	,,	Attorney.
John H. Ostrom,	,,	,,
James Dean, jun.	NewHartford,	,,
Samuel A. Talcot,	,,	Attor. & Coun.
Ebenezer Griffin,	Clinton,	,,
Julius Pond,	,,	,,
William D. Page,	Sangersfield,	Attorney.
Othniel Williams,	Bridgewater,	,,
Willard Crafts,	,,	,,
Thomas R. Gold,	Whitesboro,	Attor. & Coun.

NAMES.	RESIDENCE.	DEGREE.
R. Storrs,	Whitesboro,	Attor. & Coun.
ore Sill,	,,	,,
ıe C. White,	,,	Attor. & Coun.
er Barnes,	Rome,	,,
ıl S. Beardsley.	,,	Attorney.
nin P. Johnson,	,,	,,
Lynch,	,,	Attor. & Coun.
ır Hayden,	,,	Attorney.
ı. Roberts,	,,	,,
Sherman,	,,	,,
d Fowler,	,,	,,
C. Bronson,	Vernon,	,,
Sherwood,	,,	,,
Pettibone,	,,	,,
s Cooper,	Utica,	Sheriff.
s A. Bloodgood,	,,	Clerk.
ONONDAGA.		
ı Wilcoxon,	Camillus,	Attorney.
R. Lawrence,	,,	,,
Kellogg,	Marcellus,	Attor. & Coun.
Northam,	,,	,,
Porter,	,,	,,
ırn G. Jewett,	,,	,,
ı. Furman,	,,	,,
ıder M. Bebee,	,,	,,
vis Noxon,	,,	,,
Ball,	,,	,,
l Curtis,	Onondaga,	,,
Moseley,	,,	,,
ıiah H. Earll,	,,	,,
Sixby,	,,	,,
m H. Sabin,	,,	,,
us M. Wood,	,,	,,
l Forman,	,,	,,
y Birdseye,	Pompey,	,,
Wood,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
Sanders Van Rensselaer,	Pompey,	Attorney.
William Eager,	Manlius,	,,
Luther Badger,	,,	,,
Sheldon Smith,	,,	,,
Nicholas P. Randall,	,,	Attor. & Coun.
Abijah Yelverton, jun.	,,	,,
Alvin Marsh,	,,	,,
John Watson,	,,	,,
Samuel L. Edwards,	,,	,,
James O. Wattles,	,,	,,
—— Allen,	Tully,	Attorney.
Daniel Gilbert,	Salina,	,,
Reuben S. Orvis,	Lysander,	,,
Jonas Earll,	Onondaga,	Sheriff.
Jasper Hopper,	,,	Clerk.
ONTARIO.		
Nathaniel W. Howell,	Canandaigua,	Attor. & Coun.
John Greig,	,,	,,
John C. Spencer,	,,	,,
Jared Wilson,	,,	,,
Gideon Granger,	,,	Counsel. s. c.
Francis Granger,	,,	Attorney.
Henry F. Penfield,	,,	Attor. & Coun.
Timothy Childs,	,,	Attorney.
Elisha Strong,	,,	,,
William H. Adams,	,,	Attorney, c. p.
Orson Benjamin,	,,	Attorney.
Dudley Marvin,	,,	Attor. & Coun.
Eliphalet Taylor,	,,	Attorney, c. p.
Herman H. Bogart,	Geneva,	Attor. & Coun.
D. W. Lewis,	,,	,,
Nathan Park,	,,	,,
David Hudson,	,,	,,
Robert W. Stoddard,	,,	Attorney.
John Collins	,,	,,
Brown Whiting,	,,	,,
Benjamin T. Dey,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
William Thompson,	Geneva,	Attor. & Coun.
Jacob Dox,	,,	,,
Joseph Fellows,	,,	,,
Thomas D. Burrell,	,,	,,
Lansing B. Misner,	,,	Attorney, c. p.
Lewis Johnson,	Phelps,	,,
Thomas Smith,	,,	,,
Cornelius Masten,	Benton,	Attorney.
William Shattuck,	,,	Attorney, c. p.
Edward Stewart,	Lyons,	,,
Abner Cole,	Palmyra,	,,
Frederick Smith,	,,	Attorney.
Thomas P. Baldwin,	,,	,,
—— Hall,	,,	Attorney, c. p.
Brightman Richmond,	Livonia,	,,
George Hosmer,	Avon,	Attorney.
—— Burret,	,,	,,
John Dickson,	Bloomfi'd.	Attor. & Coun.
Spencer Coleman,	E. Bloomfi'd.	Attorney.
Anson House,	Brighton,	,,
Ira Bellows,	Pittsford,	,,
Ashley Samson,	,,	,,
Simon Stone, 2d.	,,	Attorney, c. p.
Henry Fellows,	Penfield,	Attorney.
Nathaniel Allen,	Richmond,	Sheriff.
Hugh M'Nair,	Canandaigua.	Clerk.
ORANGE.		
David W. Bate,	Newburgh,	Attorney.
Aaron Belknap,	,,	,,
Samuel R. Betts,	,,	Attor. & Coun.
Rudolph Bunner,	,,	,,
Walter Case,	,,	,,
Gilbert O. Fowler,	,,	Attorney.
Charles Humphrey,	,,	,,
William Ross,	,,	Attor. & Coun.
Herman Ruggles,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
Solomon Sleight,	Newburgh,	Attor. & Coun.
Jonas Storey,	,,	,,
Martin Wells,	,,	Attorney.
John B. Booth,	Goshen,	,,
Wheeler Case,	,,	,,
Alexander Duer,	,,	,,
John Duer,	,,	Attor. & Coun.
Edward Ely,	,,	Attorney.
James Everitt,	,,	,,
Stephen Jackson,	,,	,,
Charles Lindsey,	,,	,,
Leonard Maison,	,,	,,
Thomas Thompson,	,,	,,
James W. Wilkin,	,,	Attor. & Coun.
Edward N. James,	,,	Attorney, c. p.
Nathan Stark,	,,	,,
Samuel I. Wilkin,	,,	Attorney.
Henry G. Wisner,	,,	,,
Charles Borland,	Montgomery.	,,
James C. Cook,	,,	,,
Samuel W. Eager,	,,	,,
Daniel M. Frye,	,,	,,
David Mason,	,,	Attor. & Coun.
David Ruggles,	,,	Attorney.
William W. Brooks,	Warwick,	,,
Roger Crary,	,,	,,
Samuel G. Hopkins,	,,	,,
Thomas Sweezy,	,,	,,
Joseph Chattle,	Wallkill,	Attor. & Coun.
Thomas Lockwood,	Newburgh,	Sheriff.
David M. Westcott,	Goshen,	Clerk.
OSWEGO.		
James Adams,	Oswego,	Attorney.
Samuel B. Beach,	,,	,,
George Fisher,	,,	,,
John Grant, jun.	,,	,,
Theodore Popple,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
James F. Wight,	Oswego,	Attorney.
Levi S. Burr,	Volney,	,,
Abraham P. Vosburgh,	Richland,	,,
Henry White,	,,	,,
Joseph S. Davis,	Oswego,	Sheriff.
Joseph Davis,	,,	Clerk.
OTSEGO.		
James Brackett,	Cherry Valley	Attor. & Coun.
Jabez D. Hammond,	,,	,,
James O. Morse,	,,	,,
Isaac Seelye,	,,	,,
Levi Beardsley,	,,	,,
William Beekman, jun.	,,	Attorney.
Alvan Stewart,	,,	,,
Samuel Griffin, jun.	,,	,,
Horace Lathrop,	,,	Attorney, c. p.
Oliver Overton,	,,	,,
Robert Campbell,	Cooperstown.	Attor. & Coun.
Ambrose L. Jordan,	,,	,,
Hezekiah Flagg,	,,	,,
Joseph S. Lyman,	,,	Attorney.
George Morell,	,,	,,
Farrand Strannahan,	,,	Attor. & Coun.
Samuel Starkweather,	,,	,,
Peter D. Van Dyck,	Otsego,	Attorney,
Lathrop Elderkin,	Burlington,	,,
William G. Angel,	,,	,,
—— Woodworth,	,,	,,
John C. Morris,	Butternuts,	Attor. & Coun.
Henry Ogden,	Unadilla,	,,
Sherman Page,	,,	Attorney.
William Hyslop,	Laurens,	Attorney, c. p.
Joseph G. Anderson,	Westford,	,,
Samuel Chase,	Richfield,	Attorney.
Henry Brown,	Springfield,	Attor. & Coun.
Jacob Servoss,	Milford,	Attorney.

NAMES.	RESIDENCE.	DEGREE.
James Hawks,	Cooperstown.	Sheriff.
George Morell,	,,	Clerk.
PUTNAM.		
Frederick Stone,	Patterson,	Attor. & Coun.
Isaac Hoffman,	Carmel,	Attorney.
Walker Todd,	,,	Attor. & Coun.
Peter Waring,	South East,	Sheriff.
James Townsend, jun.	Carmel,	Clerk.
QUEENS.		
Cornelius I. Bogart,	Jamaica,	Attor. & Coun.
Eliphalet Wickes,	,,	,,
Jonathan Howard,	Newtown,	Sheriff.
Walter Burling,	Flushing,	Clerk.
RENSSELAER.		
John D. Dickenson,	Troy,	Attor. & Coun.
William M. Bliss,	,,	,,
Stephen Ross,	,,	,,
Amasa Paine,	,,	,,
John Paine,	,,	Attorney.
David Buel, jun.	,,	Attor. & Coun.
John P. Cushman,	,,	,,
Levi Rumsey,	,,	,,
William M'Manus,	,,	,,
Ebenezer Wilson, jun.	,,	,,
Lewis Mitchell,	,,	,,
Daniel Hall,	,,	Attorney.
Lewis T. Tillman,	,,	Attor. & Coun.
Isaac M'Conihe,	,,	Attorney.
Nicholas M. Masters,	,,	,,
Archibald Bull,	,,	,,
Samuel Kendrick,	,,	,,
Thomas Clowes,	,,	,,
David Allen,	Lansingburgh	Attor. & Coun.
James Adams,	,,	,,
Jacob C. Lansing,	,,	Attorney.

NAMES.	RESIDENCE.	DEGREE.
Walter Raleigh,	Lansingburgh	Attor. & Coun.
Francis S. Sim,	,,	,,
Andrew Thompson,	,,	,,
Ebenezer W. Walbridge,	,,	,,
Herman Knickerbacker,	Schaghticoke.	,,
Job Peirson,	,,	,,
Epenetus Holmes,	,,	,,
George R. Davis,	Hosick,	,,
Hezekiah Munsell,	,,	,,
Samuel Cheever,	Greenbush,	Attorney.
Walter Kinny,	,,	,,
Charles Roby,	,,	,,
Barent Van Vleck,	Nassau,	,,
Samuel B. Ludlow,	,,	,,
John Breese,	Greenbush,	Sheriff.
Joseph D. Selden,	Troy,	Clerk.
RICHMOND.		
Lewis R. Marsh,	Richmond,	Attorney.
Alexander Hale,	,,	,,
—— Metcalf,	Castleton,	,,
Henry Perine,	Southfield,	Sheriff.
Jonathan Lewis,	Richmond,	Clerk.
ROCKLAND.		
Samuel Smith,	Haverstraw,	Attor. & Coun.
John T. Smith,	,,	,,
Edward Suffern,	Hemsted,	,,
John B. Haring,	Haverstraw,	Sheriff.
Thomas Howard,	Clarkstown,	Clerk.
SARATOGA.		
Aaron Blake,	Saratoga,	Attorney.
Henry Walton,	,,	Attor. & Coun.
William L. F. Warren,	,,	Attorney.
Esek Cowan,	,,	Attor. & Coun.
Richard M. Livingston,	,,	,,
Cornelius I. Fonda,	Northumb'd,	Attorney.

NAMES.	RESIDENCE.	DEGREE.
William Metcalf,	Northumb'd.	Attor. & Coun.
John Metcalf,	,,	Attorney.
Wessel Gansevoort,	Moreau,	,,
George Palmer,	Stillwater,	,,
John L. Viele,	Waterford,	Attor. & Coun.
Guert Van Schoonhoven,	,,	,,
Joshua Mandeville,	,,	Attorney.
James Van Schoonhoven,	,,	,,
Samuel G. Huntington,	,,	Attor. & Coun.
Henry Edson,	,,	Attorney.
Nicholas B. Doe,	,,	,,
George W. Kirtland,	,,	,,
John Cramer,	,,	Attor. & Coun.
William Given,	,,	Attorney.
Myndert Van Yeveren,	Charlton,	Attor. & Coun.
Samuel Young,	Ballston,	,,
James M'Crea,	,,	,,
John W. Taylor,	,,	,,
Thomas Palmer,	Milton,	Attorney.
Azariah W. Odell,	,,	,,
Samuel Cook,	,,	Attor. & Coun.
James Thompson,	,,	,,
Alpheus Goodrich,	,,	Attorney.
Samuel M'Crea,	Greenfield,	,,
Philip H. M'Omber,	Galway,	Attorney, c. p.
James Brisbin, jun.	Saratoga,	Sheriff.
William Stillwell,	Ballston,	Clerk.
SCHENECTADY.		
Henry Yates, jun.	Schenectady.	Attor. & Coun.
Abraham Van Ingen,	,,	,,
Daniel L. Van Antwerp,	,,	,,
Robert Hudson,	,,	,,
Harmanus Peek,	,,	,,
John K. Paige,	,,	,,
Marinus Willett,	,,	,,
Abraham Beck,	,,	,,
Matthew T. E. Veeder,	,,	Attorney.

NAMES.	RESIDENCE.	DEGREE.
Henry V. Fonda,	Schenectady.	Attorney.
Nicholas F. Beck,	,,	,,
Isaac Riggs,	,,	Sheriff.
Jellis A. Fonda,	,,	Clerk.
SCHOHARIE.		
George Tiffany,	Schoharie,	Attor. & Coun.
Jacob Gebhard,	,,	,,
John Cumming,	,,	,,
Harmanus Bouck,	,,	,,
Henry Hamilton,	,,	,,
Isaac H. Tiffany,	,,	,,
John Swart,	,,	Attorney.
John Lawyer,	,,	,,
Elias Holliday,	,,	,,
David Crookshank,	,,	,,
William Mann, jun.	,,	Attorney, c. p.
David F. Sacia,	Middleburgh,	Attor. & Coun.
George Danforth,	,,	,,
John O'Brien,	,,	,,
Cornelius B. Vrooman,	,,	Attorney.
Thomas Lawyer,	Cobleskill,	Attor. & Coun.
Jedediah Miller,	,,	,,
John D. Lawyer,	,,	,,
Thomas Lawyer,	,,	,,
Abraham Keyser, jun.	Schoharie,	Sheriff.
William W. Enders,	,,	Clerk.
SENECA.		
John Maynard,	Ovid,	Attorney.
Asgil Gibbs,	,,	,,
Alvah Gregory,	,,	,,
William Low,	,,	,,
Jesse Clark,	Waterloo,	,,
Chester Brown,	,,	,,
Lemuel W. Ruggles,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
Elisha D. Whittlesey,	Waterloo,	Attorney.
Samuel Birdsall,	,,	,,
John M'Lean, jun.	,,	,,
John Knox,	,,	Attorney, c. p.
John Burton,	,,	,,
Luther F. Stevens,	Seneca Falls,	Attor. & Coun.
Jacob L. Lazzelere,	Junius,	Sheriff.
Silas Halsey,	Ovid,	Clerk.
ST. LAWRENCE.		
William W. Bowen,	Ogdensburgh	Attorney.
Louis Hasbrouck,	,,	,,
John Fine,	,,	,,
John Scott,	,,	,,
Andrew M'Collom,	,,	,,
Palmer Cleveland,	,,	,,
Frederick W. Attwater,	,,	,,
Alexander Richards, jun.	,,	,,
George C. Conant,	Lisbon,	,,
Bishop Perkins,	,,	,,
Gouverneur Ogden,	Madrid,	,,
William H. Fining,	,,	,,
John Cook,	,,	,,
Liberty Knowles,	Potsdam,	,,
Horace Allen,	,,	,,
David C. Judson,	Madrid,	Sheriff.
M. B. Hitchcock,	Ogdensburgh	Clerk.
STEUBEN.		
Vincent Mathews,	Bath,	Attor. & Coun.
Samuel S. Haight,	,,	,,
Daniel Cruger,	,,	,,
Jonas Clark,	,,	Attorney.
William B. Rochester,	,,	,,
William Woods,	,,	Attorney, c. p.
William M'Kay,	,,	,,
George Hornell,	Canisteo,	,,
James Taylor,	Reading,	,,

NAMES.	RESIDENCE.	DEGREE.
;e M'Clure,	Bath,	Sheriff.
rd Howell,	,,	Clerk.
SUFFOLK.		
Wood,	Huntington,	Attor. & Coun.
ıam Skinner,	Babylon,	,,
;s A. Floyd,	Smithtown,	Attorney.
)sborn,	Riverhead,	Attorney, c. p.
ı Reeve,	,,	Sheriff.
;s H. Havens,	Smithtown,	Clerk.
SULLIVAN.		
;ston Billings,	Monticello,	Attorney.
F. Hunn,	,,	,,
rd R. Vores,	,,	,,
W. Brownson,	,,	,,
;s Thompson,	,,	,,
;l Jenkins,	Bloomingbur.	,,
;s Baker,	,,	,,
us Dimmick,	,,	,,
rd Messeter,	Liberty,	,,
Hammond,	Monticello,	Sheriff.
P. Jones,	,,	Clerk.
TIOGA.		
Konkle,	Elmira,	Attorney.
m Maxwell,	,,	,,
;e C. Edwards,	,,	,,
B. Baldwin,	,,	Attorney, c. p.
Robinson,	,,	,,
Forman,	Tioga,	Sheriff.
ew Carpenter,	Elmira,	Clerk.
TOMPKINS,		
Woodcock,	Ithaca,	Attor. & Coun.
ohnson,	,,	,,
;w D. W. Bruyn,	,,	Attorney.
;s Bingham,	,,	,,

NAMES.	RESIDENCE.	DEGREE.
Caleb B. Drake,	Ithaca,	Attorney.
William Linn,	,,	Attorney, c. p.
Milton B. Canfield,	,,	,,
Edmund Genet Pelton,	,,	,,
Arthur S. Johnson,	,,	,,
Abijah Miller,	Ludlowville,	Attorney.
John Bowman,	,,	,,
Lewis Tooker,	,,	,,
Charles I. Battell,	Freemansbur.	,,
Henry D. Barto,	,,	Attorney, c. p.
Reuben Smith, 2d,	Hector,	,,
Seth A. L. Warner,	,,	,,
Henry Bloom,	Lansing,	Sheriff.
Archer Green,	Ithaca,	Clerk.
ULSTER.		
Lucas Elmendorf,	Kingston,	Attor. & Coun.
John Tappen,	,,	,,
John Sudam,	,,	,,
John Champlin,	,,	,,
Daniel Brodhead, jun.	,,	,,
Christopher Tappen, jun.	,,	,,
Anthony Delamater,	,,	,,
Peter Van Gaasbeck,	,,	,,
Severyn Bruyn,	,,	,,
Zachariah Schoonmaker,	,,	,,
Abraham Myer,	,,	,,
Charles H. Ruggles,	,,	,,
A. Bruyn Hasbrouck,	,,	,,
Henry Tappen,	,,	,,
John Cole,	Marlborough,	,,
Beverly Kain,	Shawangunk,	Attorney.
William Wigram,	Woodstock,	,,
Edward J. Elmendorf,	,,	,,
Edmund Bruyn,	Wawarsing,	,,
Charles Bruyn,	Kingston,	Sheriff.
Christopher Tappen, jun.	,,	Clerk.

NAMES.	RESIDENCE.	DEGREE.
WARREN.		
John Beebe,	Caldwell,	Attorney.
William Hay, jun.	,,	,,
Gustavus A. Bird,	,,	,,
Asahel Clark,	Glensfalls,	Attor. & Coun.
Robert Wilkinson,	,,	,,
Horatio Buel,	,,	,,
Abm. L. Van Den Berg,	,,	Attorney.
Royal Levans,	,,	Attorney, c. p.
Adonijah Emmons,	,,	,,
David F. Dickinson,	,,	,,
Joseph W. Paddock,	Luzerne,	Attorney.
Seth C. Baldwin, jun.	Warrensburg	,,
Edward W. Abbott,	Chester,	Attor. & Coun.
Artemas Aldrich,	Luzerne,	Sheriff.
Myron Beech,	Caldwell,	Clerk.
WASHINGTON.		
Gerrit Wendell,	Cambridge,	Attor. & Coun.
John L. Wendell,	,,	,,
John P. Putnam,	White Creek,	,,
John Savage,	Salem,	,,
Philo Curtis,	,,	,,
John Crary,	,,	,,
Jesse L. Billings,	,,	,,
James B. Gibson,	,,	,,
Anthony I. Blanchard,	,,	,,
David Russell,	,,	,,
William Williams,	,,	,,
John Willard,	,,	,,
Samuel Warford,	,,	Attorney.
Slade D. Brown,	,,	,,
Samuel I. Tanner,	,,	Attorney, c. p.
Israel Williams,	Greenwich,	Attor. & Coun.
Joseph Bories,	,,	,,
Calvin Smith,	Easton,	Attorney, c. p.
Daniel Shepherd, jun.	Argyle,	Attor. & Coun.
Constant Storrs,	,,	Attorney.

NAMES.	RESIDENCE.	DEGREE.
Jesse S. Leugle,	Argyle,	Attorney, c. p.
David Doan, jun.	Hartford,	Attorney.
Zebulon R. Shipherd,	Granville,	Attor. & Coun.
John C. Parker,	,,	,,
Martin Lee,	,,	,,
Roger Skinner,	Sandy Hill,	,,
Roswell Weston,	,,	,,
Henry C. Martindale,	,,	,,
Luther Wait,	,,	Attorney.
Matthew D. Danvers,	,,	,,
Joseph B. Lathrop,	,,	,,
Henry Thorn,	Fort Ann,	Attorney,
William H. Parker,	Whitehall,	,,
Nathaniel Hall,	,,	Attorney, c. p.
Leonard Gibbs,	Granville,	Sheriff.
Daniel Shipherd,	Argyle,	Clerk.
WESTCHESTER.		
Alexander L. M Donald,	Mt. Pleasant,	Attor. & Coun.
Edward Kemegs,	,,	Attorney.
Aaron Ward,	,,	,,
Samuel Youngs,	,,	,,
John Oppie,	Peekskill,	Attor. & Coun.
William Nelson,	,,	,,
Rawlston C. Austin,	,,	Attor. & Coun.
Frederick I. Coffin,	Somers Town,	,,
Minot Mitchell,	White plains,	,,
Robert Watts,	Westchester,	Attorney.
Zabud June,	Bedford,	Sheriff.
Elijah Crawford,	,,	Clerk.

EXPLANATIONS.

C. P.—Common Pleas. *S. C.*—Supreme Court.
M. C.—Mayor's Court.

LIST

OF THE

FIRST JUDGES,

Of the several Counties in the State of New-York.

COUNTIES.	NAMES.	RESIDENCE.
Albany,	Apollos Moore,	Rensselaerville.
Allegany,	Philip Church,	Allegany.
Broome,	John R. Drake,	Owego.
Cayuga,	Elijah Miller,	Auburn.
Chatauque,	Zattu Cushing,	Chatauque.
Chenango,	Obadiah German,	Norwich.
Cattaraugus,	Timothy H. Porter,	Angelica.
Clinton,	Pliny Moore,	Champlain.
Columbia,	John I. Miller,	Hudson.
Cortland,	John Keep,	Homer.
Delaware,	Isaac Ogden,	Walton.
Dutchess,	James Emott,	Poughkeepsie.
Essex,	Daniel Ross,	Elizabethtown.
Franklin,	Alvan Mann,	Constable.
Genesee,	John H. Jones,	Leicester.
Greene,		
Herkimer,	Nathan Smith,	Fairfield.
Jefferson,	Abel Cole,	Rodman.
Kings,	William Furman,	Brooklyn.
Lewis,	Silas Stow,	Lowville.
Madison,	Peter Smith,	Smithfield.
Montgomery, & Hamilton,	Alexander Sheldon,	Charlestown.
New-York,	Richard Riker, (Recorder)	New-York.
Niagara,	William Hotchkiss,	Lewiston.
Oneida,	Morris S. Miller,	Utica.
Onondaga,	Joshua Forman,	Onondaga Hol.
Ontario,	John Nicholas,	Seneca.
Orange,	Nathan H. White,	Bloomingrove.
Oswego,	Barnet Mooney,	Hannibal.
Otsego,	Joseph White,	Cherry Valley.

COUNTIES.	NAMES.	RESIDENCE.
Putnam,	Stephen Barnum,	Carmel.
Queens,	Carey Dunn,	Jamaica.
Rensselaer,	Josiah Masters,	Schaghticoke.
Richmond,	John Garretson,	Southfield.
Rockland,	Samuel Goetschius,	
Saratoga,	Salmon Child,	Greenfield.
Schenectady,	Gardner Cleveland,	Duanesburgh.
Schoharie,	William Beekman,	Sharon.
Seneca,	Robert S. Rose,	Junius.
St. Lawrence,	Nathan Ford,	Oswegatchie.
Steuben,	Thomas M'Burney,	Bath.
Suffolk,	Thomas Strong,	Brookhaven.
Sullivan,	William A. Thompson,	Thompson.
Tioga,	Emanuel Coryell,	Tioga.
Tompkins,	Oliver C. Comstock,	Freemansburgh.
Ulster,	Lucas Elmendorf,	Kingston.
Warren,	William Robards,	Caldwell.
Washington,	Anthony I. Blanchard,	Salem.
Westchester,	Caleb Tompkins,	Scarsdale.

LIST OF SURROGATES.

COUNTIES.	NAMES.	RESIDENCE.
Albany,	Christopher C. Yates,	Albany.
Allegany,	Ebenezer Hyde,	
Broome,	Eleazer Dana,	Owego.
Cayuga,	Eleazer Burnham,	Aurora.
Chatauque,	Squire White,	
Chenango,	John Tracy,	Oxford.
Cattaraugus,	Jeremy Worcester,	
Clinton,	Thomas Tredwell,	Plattsburgh.
Columbia,	James I. Van Alen,	Kinderhook.
Cortland,	Luther F. Stevens,	Cortland village.
Delaware,	Robert North,	Walton.
Dutchess,	Derick B. Stockholm,	Poughkeepsie.

COUNTIES.	NAMES.	RESIDENCE.
Essex,	Ezra C. Gross,	Essex.
Franklin,	Ebenezer Brownson,	
Genesee,	Andrew A. Ellicott,	
Greene,	Dorrance Kirtland,	Coxsackie.
Herkimer,	Abijah Tomblinę,	
Jefferson,	Lyman Munson,	Adams.
Kings,	Jeremiah Lott,	
Lewis,	Chillus Doty,	Lowville.
Madison,	Asa B. Sizer,	Madison.
Montgomery & Hamilton,	James Lansing,	
New-York,	Silvanus Miller,	New-York.
Niagara,	Ebenezer Johnson,	
Oneida,	Joshua Hathaway,	Rome.
Onondaga,	George Hall,	Onondaga.
Ontario,	Reuben Hart,	
Orange,	Edward Ely,	
Oswego,	Abraham P. Vosburgh,	Richland.
Otsego,	Ambrose L. Jordan,	Cooperstown.
Putnam,	Joel Frost,	
Queens,	David Lamberson,	
Rensselaer,	William M'Manus,	Troy.
Richmond,	Tunis Egbert,	
Rockland,	Richard Blauvelt,	
Saratoga,	George Palmer,	Ballston.
Schenectady,	John Yates,	Schenectady.
Schoharie,	John Gebhard,	Schoharie.
Seneca,	William Thompson,	
St. Lawrence,	Gouverneur Ogden,	Madrid.
Steuben,	James Reid,	
Suffolk,	Nicol Floyd,	
Sullivan,	Peter F. Hunn,	
Tioga,	Robert Lawrence,	
Tompkins,	Andrew D. W. Bruyn,	Ithica.
Ulster,	Daniel Brodhead, jun.	Kingston.
Warren,	Thomas Patterson,	Glensfalls.
Washington,	Henry C. Martindale,	Sandyhill.
Westchester,	Henry White,	

OFFICERS

Of the Government of the State of New-York,

and their places of residence.

DE WITT CLINTON, Governor, Albany.
JOHN TAYLER, Lieutenant-Governor, Albany.
JAMES KENT, Chancellor, Albany.

SUPREME COURT.

SMITH THOMPSON, Chief Justice, New-York.
AMBROSE SPENCER, Justice S. C. Albany.
WILLIAM W. VAN NESS, do. Claverack.
JOSEPH C. YATES, do. Schenectady.
JONAS PLATT, do. Whitesborough.
GERRIT Y. LANSING, Judge of Probates, Albany.
MARTIN VAN BEUREN, Attorney-Gen'l. Albany.
JOHN VAN NESS YATES, Sec. of State, Albany.
ARCHIBALD M'INTYRE, Comptroller, Albany.
GERRIT L. DOX, Treasurer, Albany.
SIMEON DE WITT, Surveyor-General, Albany.
ANTHONY LAMB, Commissary-General, Albany.
SOL. VAN RENSSELAER, Adjutant-Gen'l. Albany.

THE NEW YORK PUBLIC LIBRARY
REFERENCE DEPARTMENT

This book is under no circumstances to be taken from the Building